

This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) consultation on the Section 36 Application to construct and operate Breackerie Wind Farm, on land approximately 8km south west of Campbeltown.

Reference No: 23/02230/S36/ECU00004507

Applicant: The Scottish Government on behalf of EnergieKontor UK Ltd

Proposal: Electricity Act Section 36 consultation relevant to Breackerie Wind Farm

Site Address: Land approximately 8km south west of Campbeltown, Argyll & Bute

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

- Construction, 35 year operation and subsequent decommissioning, of up to 13 wind turbines with a tip height of up to 200m (approximately 85.8MW)
- Associated turbine compound areas including foundations and hardstanding areas for erecting cranes at each turbine location;
- On-site tracks connecting each turbine, using existing forestry tracks where appropriate (approximately 4.02km) and construction of new tracks elsewhere (approximately 7.47km);
- An energy storage compound to store batteries with a 5MW capacity;
- Underground cables linking the turbines to the substation;
- Use of up to four onsite existing borrow pits;
- A temporary construction compound including provision for onsite concrete batching;
- On-site 132kv substation;
- Forestry felling and restocking; and
- Habitat Management provisions

The grid connection does not form part of the section 36 application for the Proposed Development. Any required consent for the grid connection would typically be sought by the relevant owner of the local distribution or transmission network. The Network Operator would be responsible for the consenting, construction and operation and maintenance of the grid connection.

(B) RECOMMENDATION:

That the ECU be notified accordingly that:

- 1. Argyll & Bute Council does not object to the proposed development subject to the inclusion of conditions recommended by consultees being included in any consent.**
- 2. Argyll & Bute Council further recommends the following conditions and provisions for legal agreements as discussed with the applicant to mitigate the specific impacts of the Breackerie Wind Farm proposal:**
 - **Revision of height and/or location of T7 and T9 in consultation with Argyll and Bute Council to reduce landscape and visual impact and heritage impacts;**

- **Aviation detection lighting system to avoid the visual impact on the dark skies of the Mull of Kintyre;**
 - **Reduced wind turbine micro-siting allowance of other wind turbines to 50m to ensure no change from assessed proposal;**
 - **Delivery of 80 ha compensatory biodiversity enhancement measures at Largiebaan Nature Reserve and consideration of further on-site compensatory planting; and**
 - **Noise protection measures (AM and fixed minimum limits).**
- 3. Regarding the outstanding Aviation matters, Argyll & Bute Council would defer to the expert advice of National Air Traffic Systems and Glasgow Prestwick Airport to resolve these matters with the ECU.**

(C) CONSULTATIONS:

ENERGY CONSENT UNIT RESPONSES:

NatureScot (28th March 2024) – advised the ECU that the Proposal does not raise issues of National Interest, however NatureScot summarise the following key considerations:

- Significant landscape and visual effects, including potentially weakening the distinctive character of the Mull of Kintyre as a relatively undeveloped and remote area with well expressed qualities of remoteness/ seclusion and high scenic quality;
- Potential operational effects on bats requiring further post construction monitoring and potentially additional ‘feathering’ to minimise bat collision; and
- Lack of detail on mitigation and proposed biodiversity enhancement measures, particularly in relation to 1.41 ha of potentially affected habitat of Blanket bog which is identified as a priority habitat in the UK BAP, Scottish Biodiversity List and Annex 1 of the ‘Habitats Directive’.
- Ornithological matters - concerns regarding the quality of the survey work and subsequent assessment.

NatureScot advises the ECU to encourage a reduction in turbine height with the aim of reducing visibility/ intrusion on the currently undeveloped skyline; especially where the turbines impinge into smaller scale settled landscapes/ highly scenic coastal panoramas. NatureScot also confirms (6th May 2024) that the proposed height reduction to turbines T7 and T9 would not alter its previous advice.

Transport Scotland (TS) (21st November 2023) - advised the ECU they have no objection. TS requests that conditions are attached in the event that the proposal receives consent relating to: an Abnormal Loads Assessment; approval of the proposed route for any abnormal loads; accommodation measures (removal of street furniture, junction widening, traffic management); additional signing or temporary traffic control measures must be undertaken by a recognised Quality Assured traffic management consultant; abnormal load delivery trial run; Construction Traffic Management Plan (CTMP); sheeting of all vehicles transporting construction material; vehicle wheel cleansing facilities; and a Decommissioning Plan.

Scottish Forestry (SF) (19th December 2023) – advised the ECU they support the proposal for key-holing and habitat improvements within the forest, although this will involve a large-scale intervention of 196ha tree felling. It is noted that this felling provides an opportunity to improve the diversity of the woodland, particularly through extending habitat networks and connecting to the proposed peatland restoration. They

recommend the use of planning conditions to secure a revised forest plan for Slate forest and a detailed compensatory planting condition alongside a Long Term Forest Management Plan. The following queries are raised:

- The applicant should confirm no broadleaf felling will be taking place;
- The applicant should confirm the timber haulage for the 218+52 hectares has been covered in the transport section in addition to the timescales and proposed access routes for felling.

Applicant response (2nd May 2024) – confirms no plans for removal of broadleaves and sets out detail of the proposed timber haulage routes and time periods. Deliveries / movements would be captured in the CTMP as per normal.

Scottish Environment Protection Agency (SEPA) (15th January 2024) – advised the ECU they have no objection and request conditions relating to: schedule of mitigation; a 50m buffer around all water bodies and water course crossings; a detailed site-specific Peat Management Plan (PMP) to detail maintain the hydrological condition of the area between T5 and T9 due to the presence of relatively deep peat and M6. The Peat Management Plan includes the use of floating tracks and micro-siting where possible between turbines T5 and T7 but these measures should be extended to T9 due to the presence of M6 (mire); ensuring the peat surplus from excavations is used for peatland restoration as detailed in the Habitat Management Plan; Borrow pit restoration; Finalised Habitat Management Plan; Private water supplies; and micro-siting.

Historic Environment Scotland (HES) (28th March 2024) – advised the ECU they do not object to the proposal but have identified EIA significant effects on the setting of two scheduled monuments in the vicinity of the proposed development, Lochorodale, long cairn 1000m NW of (SM3653) and Lochorodale, long cairn 505m SW of (SM3654). HS identifies the following mitigation which would reduce this level of effect:

- The deletion of turbines T6, T7, T8 and T9 or substantial height reduction and/or relocation to an area of the development further from the cairn would reduce the level of effect on the setting of the SM3653.
- The deletion or reduction in height or relocation of turbines, T7 and T8, that align broadly with the axis of the cairn would reduce the level of effect on the setting of Lochorodale, long cairn 505m SW of (SM3654).

HES response to proposed revisions (3rd May 2024) welcome the consideration of changes and advises that the proposed revisions to turbines 7 and 9 would not make a material alteration to the impacts on the setting of the two scheduled monuments. HES confirm that the suggested revisions would not raise issues of national interest.

Marine Directorate (4th December 2023) – advised that the fish habitat surveys carried out in winter 2022/23 found that the watercourses draining the proposed development site provide suitable habitat for salmonid fish. Advise planning condition to secure an integrated water quality and aquatic biota monitoring programme, with a monitoring programme which follows MD-SEDD guidelines and includes fully quantitative electrofishing surveys in all watercourses which are at risk of an impact and at control sites where an impact is unlikely. Key hydrochemical parameters should be recorded at a minimum of monthly intervals at sites where fish surveys are carried out. Monitoring should commence at least one year prior to construction commencing and continue during construction and for at least one year after construction is complete.

Royal Society for the Protection of Birds (RSPB) (26th January 2024) – does not object to the proposals and welcomes the siting of the majority of the proposal's

infrastructure within commercial forestry plantation (considered low biodiversity value) but requested further information. RSPB welcomes the submission of the Outline Habitat Management Plan and the proposed Bird Protection Plan and Open Ground Management, but suggest additional planting to help reduce the attractiveness of key-holed areas to Hen Harriers. Further queries related to the targeted survey results, cumulative impacts and proposed levels of mitigation vs. enhancement.

Applicant response to RSPB (12th February 2024) – provided further information on ornithology surveys to confirm compliance with NatureScot Guidance and set out the methodology for assessing cumulative impacts. Further detail was also provided on the proposed peat restoration which was noted to include both restoration *and* enhancement.

Argyll District Salmon Fishery Board (9th March 2024) – advised that the proposed wind farm is located within the headwaters of the Breakerie Water (Abhainn Breacairigh) and the Conieglen Water, both of which support important populations of Atlantic salmon and sea trout. The fish habitat survey conducted by Argyll Fisheries Trust (Technical Appendix 8.4) identify habitats for migratory salmonids adjacent to and immediately downstream of the proposed development site. Therefore, Argyll DSFB request that pre and post construction monitoring of fish populations and macroinvertebrates in these watercourses (as prescribed by Marine Directorate) should be undertaken if the site is given permission to be developed. We would strongly recommend that these guidelines are fully considered throughout the proposed development to demonstrate that the interests of Argyll DSFB have been protected.

Scottish Water (9th November 2023) – advised the ECU they have no objection. This does not confirm the proposal can be serviced. Advice is provided on: drinking water protected areas and surface water.

Defence Infrastructure Organisation (17th November 2023) – advised the ECU they have no objection subject to the following conditions: Aviation lighting and Aviation Charting and Safety Management.

Joint Radio Company Limited (9th November 2023) – advised the ECU no potential problems are foreseen based on known interference scenarios and the data provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

Glasgow Airport (13th November 2023) – advised the ECU the proposal is located outwith the consultation area and as such no comment to make and need not be consulted further.

National Air Traffic Services Safeguarding (NATS) (9th November 2023) – advised the ECU the proposal has been examined by their technical safeguarding teams and a technical impact is anticipated on Prestwick Centre ATC and Military ATC, this has been deemed to be unacceptable. Accordingly, NATS issued a safeguarding objection to the proposal.

Glasgow Prestwick Airport (GPA) (23rd November 2023) – advised the ECU that the proposal raises an aviation safety concern which may create an operational impact on the Airport as an Air Navigation Services Provider (ANSP). As a result a standard holding objection has been raised until all technical and operational aviation safety matters detailed above are addressed to the satisfaction of the Airport, any aviation

safety measures dictated by the Airport Wind Farm Safeguarding Process are implemented, and a mitigation agreement is put in place for the life of the windfarm. The Airport noted that it would be able to remove the holding objection should the proposed radar line of sight assessment indicate that no turbines were visible to the GPA PSR(s).

Applicant's response to GPA and NATS (email - 2nd May 2024) – further technical work is being undertaken to resolve the issues raised, including a VHF report. Following these reports, mitigation contracts will be drawn up between the applicant and both NATS and GPA to ensure no impact on aviation matters – following which the objections will be withdrawn. This is an approach that has been previously adopted for other wind farm applications (e.g. Rowan Wind Farm (insert ref)). It is further noted that the resolution of aviation matters is within the remit of the ECU rather than the local planning authority.

Highlands & Islands Airport Limited (HIAL) (13th December 2023) – advised the ECU that at the given position and height, this development would not infringe the safeguarding criteria and operation of Campbeltown Airport and therefore no objection is raised.

Defence Infrastructure Organisation (17th November 2023) – advised the ECU they have no objection subject to the following conditions: Aviation lighting and Aviation Charting and Safety Management to maintain aviation safety.

Crown Estate Scotland (25th February 2024) - confirm that the assets of Crown Estate Scotland are not affected by this proposal and we therefore have no comments to make.

Ironside Farrar (Environmental Consultants on behalf of Scottish Government ECU to audit Peat Landslide Hazard Risk Assessment (PLHRA)) (21st March 2024) – advised the ECU that the PLHRA requires resubmission there are significant shortcomings throughout the PLHRA and reworking of the PLHRA report is required to support a robust assessment; areas for attention will be advised in the review findings and outline guidance offered to support the developer in preparing a satisfactory PLHRA.

Applicant response to IF: this is a process that is a matter for the ECU rather than the local planning authority and a revised PLHRA will be submitted to the ECU accordingly before any decision.

Campbeltown Community Council (17th December 2023) – have objected to the proposal on the following grounds: impact on the last wild area of Mull of Kintyre; landscape impact on the Mull of Kintyre Area of Panoramic Quality; cumulative impacts on the tourism industry (particularly the dark skies and walkers/hikers) and related impacts on tourism employment; concerns over traffic volumes on B842 and B843 and potential incidents blocking access; and impacts on peat deposits and impact on ground water supplies.

ARGYLL & BUTE COUNCIL RESPONSES

ABC Consultant Landscape Architect Review (17th April 2024) – concludes that this proposal would have some significant adverse effects on landscape character and on views although its location in a less sensitive larger scale forested upland landscape, its siting in a slight dip between rolling hills (which affords a degree of

screening) and its distance from more sensitive landscapes and key visual receptors generally reduces the magnitude of these effects.

A number of mitigation measures were identified that could potentially improve the appearance of the wind farm and also provide optimum outcomes for biodiversity and landscape character. Discussions have taken place with the applicant on the following measures:

- A reduction in the height of Turbines 7 and 9 to mitigate intrusion experienced in views from the sensitive southern coast of the LLA. *The applicant has produced a wireline showing a reduction in the height of these two most prominent turbines from 200m to 180m.*
- An alternative option to relocate these two turbines (retaining them at 200m height) to a lower position so more of the tower is screened by the ridge. *Following review of the wireline produced 20/3/24 by the applicant a further reduction of turbines 7 and 9 to 180m would be beneficial but that further measures to reduce their prominence should be undertaken. This should either involve a further reduction in the height of these two turbines (<180m) or relocation of the two 180m high turbines further down the slope to the north-east to benefit from greater screening of towers by Achnaslishaig Hill.*

The Landscape Consultant recommended the following conditions:

- An Aircraft Detection Lighting System would substantially reduce the duration and impact of night-time lighting.
- Micro-siting of turbines to 50m (the applicant is seeking a 100m micro-siting allowance) due to the steeply rolling nature of the proposal site where even relatively small adjustments to the location of some turbines could potentially result in a loss of landform screening and greater visual intrusion of turbines in key views.

In addition, the applicant was asked to consider more ambitious landscape and biodiversity mitigation and enhancement package of proposals in line with the aims of NPF4 Policy 3. The Landscape Architect noted that the proposed wind farm should be used as an opportunity to form a catalyst to effect quicker and more far-reaching improvements to biodiversity and landscape within the proposed development site.

Applicant response to Landscape Architect (10th April 2024) – in addition to the restoration of peat habitats, proposals to deliver 80 ha of new Atlantic Rainforest with enhanced biodiversity and compensatory planting at the Largiebaan Nature Reserve have been progressed with the Scottish Wildlife Trust (SWT) This would comprise 52.93 hectares of compensatory planting and a further 27.07 hectares as an off-site biodiversity enhancement measures. We would be agreeable to a condition that requires confirmation of mitigation and enhancement measures down under a suspensive condition.

ABC Roads & Amenity Services (24th November 2023) – comments were provided should the site be accessed from the C10 Glenbreackerie Road: 1. There would be no financial contribution from Argyll & Bute Council towards the work required to facilitate the works or make good any damage directly attributable to the construction of the wind farm. 2. The applicant should be made aware that they will be responsible for making good any damage to the public road which is directly attributable to the construction of the wind farm. Further comments were made in relation to the proposed use of the U38 Moss Road and the B843 to transport several thousand tonnes of material due as the single track road would not be able to sustain the regular HGV

movements anticipated. Further comments were made in relation to the proposed use of the U10 Glenbreackerie Road which is a narrow, lightly constructed, single-track road with passing places and as such identified as a Severely Restricted Route with a TTMP in place. A holding objection was raised in relation to the proposed use of these roads and it was requested that the applicant review the Traffic Management Plan (TMP).

Applicant's response to ABC Roads & Amenity Services advice (1st March 2024) provided confirmation that the U38 Moss Road route would not be used for general HGV traffic and instead the designated access for such traffic would be via the A83 trunk road and then the B843. The applicant noted it would accept a condition on the use of Moss Road for general construction traffic with the designated route being via the A83 and B843 and that a prescriptive CTMP condition could be used to designate routes to be used and avoided for construction access.

Further information was provided on the proposed routes for abnormal loads (of which there will be around 368 movements) including on the unclassified C10 Glenbervie Road and a package of necessary upgrades including verge widening to 5 m will be required for a length of 1.2 km. The applicant noted it is content to accept a planning condition on the technical approval process with Argyll & Bute Council along with a scheme of mitigation for the C10 Glenbervie Road to be agreed post-consent; and a wear and tear agreement. The applicant also provided further information on the site access junction where the private windfarm access meets the C10 Glenbervie Road to demonstrate the proposed junction design to widen the minor arm of the junction to 6m to allow two HGVs to pass and resurface the first 15m of the road in tarmac.

Further comments from ABC Roads & Amenity Services (22nd March 2024) Reiterated previous comments made in relation to the U38 Moss Road and C10 Glenbreackerie Road. No objection subject to the following conditions: U38 to be used for abnormal loads only; all contractors to be made aware of U38 to be used for abnormal loads only; applicant is to inspect and submit a U38 and C10 mitigation report prior to any works starting; carriageway widening, strengthening, surfacing and additional passing places for the proposed U38 Moss Road and U10 Glenbreackerie Road (including new passing place signs); temporary carriageway widening to be soiled and reseeded on completion of construction works; all street furniture required to be removed is to be replaced with new; Traffic Management Plan to be submitted; a detailed Method Statement to be submitted; A detailed condition survey to be carried out on all haul routes between the A83 Tarbet - Campbeltown Trunk Road and the application site; and, the public road between the A83 Tarbet - Campbeltown Trunk Road and the application site to have weekly inspections.

It was also noted that the applicant will be responsible for the cost of carrying out repairs to the carriageway which are directly attributable to the works, as they appear. Construction details for repairs to carriageway to be agreed with Roads & Infrastructure Services, prior to any work starting on site. The Roads Engineer has also highlighted the following notes for intimation to the Applicant: a Section 96 Legal Agreement will be required and connection of site access to public road to be agreed with Roads & Infrastructure Services, prior to any work starting on site.

ABC Flood Risk Assessor ABC Flood Prevention Officer (12th December 2023) – no objections subject to conditions to ensure that: watercourse crossings should not reduce the existing capacity of the channel, and ideally designed to convey the 1 in 200 year plus climate change (46% allowance) flood event; and surface water drainage should be designed in accordance with CIRIA C753 and ensure that post development surface water runoff does not exceed the pre-development surface

water runoff. The surface water drainage should be in operation prior to the start of construction.

ABC Access Team (2nd May 2024) – noted that the Kintyre way passes several wind farms along its route and one more is unlikely to have a significant impact. Provided comments relating to public access and recommendations for maintaining public access during both construction and operation.

ABC Noise Consultant (5th March 2024) – concludes that in general, good practice has been adopted by the Applicant and further information requested on the sound power levels of the turbines and assessment of operational noise. A lower limit for the night-time period is recommended, and two options have been suggested for consideration. Following a satisfactory response to the above issues from the Applicant, it is considered that there would be no reasons to object to the scheme on noise grounds. A suitably worded condition to limit the noise levels, tonality and amplitude modulation should be applied to control noise levels from the proposed scheme. It is expected that conditions relating to approve the final turbine selection will already be included as it relates to other aspects than noise alone.

Applicant's Noise Consultant (TNEI) response to ABC Noise Consultant's advice (8th April 2024) – provided clarifications on the candidate turbine sound power level data for the unconstrained and noise reduced operational modes; the use of noise reduced operational modes; the calibration dates presented on one of the Field Data Sheets and further information on the equipment used for the baseline background noise survey. Rejected the need for an Amplitude Modulation condition and the recommended lower night time fixed minimum limits, stating that Statutory Nuisance powers should be used to address any noise complaints and that a night time fixed minimum limit of 35 dB LA90 would be unduly restrictive to the renewable energy output of the Proposed Development.

ABC Noise Consultant (16th April 2024) - responded they are satisfied with additional evidence provided adequate demonstration of the likely noise levels from the scheme; the ability of the proposed turbine to be controlled as necessary in certain wind speeds (as required) and the evidence equipment and calibration used for the background noise survey is in accordance with good practice. It is the view of the Council's Noise Consultant that planning conditions relating to Amplitude Modulation and lower fixed limit of 38 dB LA90 should be applied to consent.

West of Scotland Archaeology Service (2nd February 2024) – support Historic Environment Scotland (HES) advice concerning the effect of the proposals on the setting of Scheduled Ancient Monuments (SAMs) in the surrounding landscape. Advises that both Lochorodale cairn SAMs (SM3653, SM3654) will suffer a significant detrimental effect on the ability to appreciate the monuments in an entirely rural landscape setting when visiting the sites themselves and on approach from the NE on the road. Advised the ECU that the proposed mitigation set out in the EIA cultural heritage chapter would reduce any significant effect and these measures should be secured through conditional consent.

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) REPRESENTATIONS:

As the Council is not the determining Authority all letters of representation are considered by the Energy Consents Unit. At time of writing, public representation figures stand at 9 objections, which are published on the ECU website. The main issues raised are summarised below:

- Concerns over safety, speed and noise issues on the single track access road;
- Adverse landscape and visual impact Intrusive impact of turbine, out of scale in the landscape;
- Cumulative significant landscape impact with High Dalrioch Wind Farm
- Adverse impact on wildlife;
- Adverse impact on ornithology, including migratory birds;
- Adverse impact on tourism;
- Impact of aviation lighting on dark skies;
- Lack of Community Consultation;
- Poor local communication/consultation;
- Concerns over the impact of pylons to transport energy;
- Kintyre turning into an industrial landscape;
- Impact on wild space, local nature reserve at Largiebaan and SSSI;
- Concerns over construction impacts;
- Single track access road is inadequate;
- Loss of amenity value of the proposed site;
- Impact on the nature-based economy; and
- More wind farms will not reduce demand for energy.

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 Breackerie Pre-Application Consultation (PAC) Report (October 2023) which is available on the ECU website (reference: ECU00004507).

Note: the comments raised above are addressed in the assessment of the proposal at Appendix A of this report. The letters of representation above have been summarised and that the full letters of representations are available on the Energy Consents Units website.

(E) SUPPORTING INFORMATION

Has the application been the subject of:

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

EIAR (October 2023) presented in 4 volumes:

- Volume 1: Written Statement
- Volume 2: Figures
- Volume 3: Visualisations
- Volume 4: Technical Appendices

Key matters covered in the EIAR include: Introduction; EIA Methodology; Project Description; Design Evolution; Renewable Energy & Planning Policy; Landscape & Visual; Socio-economics & Tourism; Ecology; Ornithology; Hydrology, Hydrogeology, Geology and Peat; Cultural Heritage; Noise; Traffic and Transport; Forestry; Other Issues; and Schedule of Mitigation.

The EIA Report should also be read in context with the following documents:

- EIA Non-Technical Summary (NTS)
 - Planning Statement
 - Pre-Application Consultation Report (PAC Report)
 - Design and Access Statement (DAS) which illustrates the approach to design and access.
- ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- iii) **A design or design/access statement:** Yes (October 2023)
- iv) **A report on the impact of the proposed development 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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(F) Statutory Development Plan (NPF4 and LDP) and any other material considerations over and above those listed above which have been taken into account in the assessment of the application:

Members are asked to note in the context of the Local Development Plan (LDP) and planning process that this application has been submitted to the Scottish Government under Section 36 (S36) of the Electricity Act 1989. As part of the S36 application process, the applicant is also seeking that the Scottish Ministers issue a Direction under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 that deemed planning permission be granted for the proposal. In such instances, the LDP is not the starting point for consideration of S36 applications, as Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 which establish the primacy of LDP policy in decision-making, are not engaged in the deemed consent process associated with Electricity Act applications. Nonetheless, the adopted Argyll & Bute LDP2 2024 still remains an important material consideration informing the Council's response to the proposal.

Schedule 9 of the Electricity Act does require both the applicant and the decision-maker to have regard to the preservation of amenity. It requires that in the formulation of proposals the prospective developer shall have regard to:

(a) the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

Similarly, it obliges the Scottish Ministers in their capacity as decision maker to have regard to the desirability of the matters at a) and the extent to which the applicant has complied with the duty at b). Consideration of the proposal against both the effect of NPF4 and the adopted Argyll & Bute LDP2 2024 will ensure that proper consideration is given by the Council to the extent which the proposal satisfies these Schedule 9 duties.

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

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

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

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

Liveable Places

NPF4 Policy 22 – Flood Risk and Water Management

NPF4 Policy 23 – Health and Safety

Productive Places

NPF4 Policy 25 – Community Wealth Building

NPF4 Policy 26 – Business and Industry

NPF4 Policy 29 – Rural Development

NPF4 Policy 30 – Tourism

NPF4 Policy 33 – Minerals

Annex B – National Statements of Need

3. Strategic Renewable Electricity Generation and Transmission Infrastructure

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

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 14 – Bad Neighbour Development

Policy 16 – Listed Buildings

Policy 19 – Scheduled Monuments

Policy 21 – Sites of Archaeological Importance

Diverse and Sustainable Economy

Policy 22 – Economic Development

Policy 23 – Tourism Development, Accommodation, Infrastructure and Facilities

Policy 26 – Informal Public Outdoor Recreation and Leisure Related Development

Policy 30 – The Sustainable Growth of Renewables

Connected Places

Policy 36 – New Private Accesses

Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

Policy 38 – Construction Standards for Public Roads

Policy 39 – Construction Standards for Private Accesses

Policy 41 – Off Site Highway Improvements

Sustainable Communities

Policy 55 – Flooding

Policy 56 – Land Erosion

Policy 57 – Risk Appraisals

Policy 62 – Drainage Impact Assessments

High Quality Environment

Policy 71 – Development Impact on Local Landscape Areas (LLA's)

Policy 73 – Development Impact on Habitats, Species and Biodiversity

Policy 77 – Forestry, Woodland and Trees

Policy 78 – Woodland Removal

Policy 79 – Protection of Soil and Peat Resources

Local Development Plan 2 Schedules

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

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [TN06 Sustainability Technical Note and Checklist \(Oct. 2023\)](#)
- [TN21 VII and LVIA Light Technical Note \(Oct. 2023\)](#)
- [TN07 Sustainable Buildings Technical Note and Checklist \(Oct. 2023\)](#)
- [ABC Landscape Studies](#)
- [ABC Economic Development Action Plan](#)
- [SEPA Standing Guidance for Development Management \(Dec. 2022\)](#)
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- The Future of Energy in Scotland: Scottish Energy Strategy, Scottish Government (December 2017)
- Onshore wind policy statement, Scottish Government (January 2017)
- Historic Environment Policy for Scotland (HEPS) (April 2019)
- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- SNH Review 78 – Landscape Assessment of Argyll and the Firth of Clyde (1996)
- SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017)
- Guidance for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute and Institute of Environmental Management & Assessment, (2013);
- Onshore Wind Turbines: Planning Advice, Scottish Government (May 2014).
- Planning Advice Note 1/2011: 'Planning and Noise'

- Scottish Government Good Practice Principles for Shared Ownership and Community Benefit of Onshore Renewable Energy Developments;
- Views of statutory and other consultees
- Planning history of the site
- Legitimate public concern or support expressed on relevant planning matters

(G) Has the application been the subject of statutory pre-application consultation (PAC): Although PAC is not required for S36 applications a PAC Report (October 2023) is submitted in support of the application.

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

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

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

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

Author of Report: Shelley Gould

Date: 9th May 2024

Reviewing Officer: Sandra Davies

Date: 9th May 2024

Fergus Murray

Head of Development and Economic Growth

COMMITTEE REPORT

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 23/02230/S36

PLANNING LAND USE AND POLICY ASSESSMENT

1. THE SECTION 36 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) requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of a consultee along with various other consultation bodies.
- 1.2 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 the Scottish Government. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an Inquiry would be conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals. 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 of such conditions.
- 1.3 This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and 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 raise an Objection to this Section 36 consultation for the reasons detailed in this report.

2. SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES

- 2.1 The Scottish Government has set ambitious targets for renewable energy generation and the reduction of carbon emissions to achieve net zero by 2045 (Climate Change (Emissions Reduction Targets) (Scotland) Act 2019). To support the delivery of renewable energy generation, the Scottish Government included 'Strategic Renewable Electricity Generation and Transmission Infrastructure' as 'national development' in the National Planning Framework 4 (NPF4) to enable 'a large and rapid increase in electricity generation from renewable sources'. As a 'national development' the principle of development does not need to be agreed in later consenting processes.
- 2.2 NPF4 Policy 1 – Tackling the climate and nature crises is an overarching policy which requires that when considering all development proposals significant weight will be given to the global climate and nature crises. Argyll & Bute Council declared a climate emergency in 2021 and in line with the provisions of NPF4 the 2024 Local Development Framework 2 (LDP2) expects all developments to make a positive contribution to meeting the Scottish Government's targets for renewable energy generation. The Council will therefore 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.

2.3 This proposal has been assessed primarily against the criterion in the two lead Statutory Development Plan policies relating to renewable energy as follows:

NPF4 Policy 11 – Energy 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.

LDP2 Policy 30 – Supporting the Sustainable Growth of Renewables requires that renewable energy developments are consistent with the principles of sustainable development. It should also be adequately demonstrated that there would be no unacceptable environmental effects, whether individual or cumulative, on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses. The policy further sets out that applications for all wind turbine developments will be assessed against the following criteria:

- Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- Landscape and visual impacts;
- Effects on the natural heritage, including birds;
- Impacts on carbon rich soils, using the carbon calculator;
- Public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF;
- Impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- Impacts on tourism and recreation;
- Impacts on aviation and defence interests and seismological recording;
- Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- Impacts on road traffic and adjacent trunk roads;
- Effects on hydrology, the water environment and flood risk; Cumulative impacts arising from all of the considerations above;
- Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- The scale of contribution to renewable energy generation targets;
- Effect on greenhouse gas emissions; and
- Impacts on trees, woods and forests.

2.4 In assessing any application LDP2 Policy 30 sets out that the Council will additionally have regard to the opportunities for energy storage, local energy networks, and long term environmental management of the site.

Contribution to renewable energy generation targets and greenhouse gas emissions

2.5 The Proposed Development would generate renewable electricity and would therefore displace carbon dioxide (CO₂) emissions associated with electricity generation, which would otherwise be supplied via other forms of power generation requiring the combustion of fossil fuels. The Scottish Government Carbon Calculator for Wind Farm on Peatlands has been used to calculate a payback period for the Proposed

Development based on the full development lifecycle. The results of this assessment indicate that the Proposed Development would have an expected payback period of 2.8 years compared to grid mix of electricity generation and would save approximately 157,802 tonnes of carbon dioxide per year (compared to a typical grid mix of electricity supply). This equates to supplying 93,811 homes annually with renewable electricity and a lifetime carbon savings of over 12.7Mt of CO₂e.

- 2.6 When decision makers are considering the impacts detailed in NPF4 Policy 11 they need to give significant weight to the contribution of the proposed development to renewable energy generation targets and on GHG emissions reduction targets. The Onshore Wind Policy Statement (2017) sets a minimum target of 20GW of deployed onshore wind by 2030 which is an additional 12GW. In addition, NPF4 Policy 1 – Tackling the climate and nature crises states that significant weight is to be given to the global climate and nature crises when considering all development proposals.

Grid capacity and energy storage

- 2.7 NPF4 Policy 11 – Energy 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. LDP2 Policy 30 – The Sustainable Growth of Renewables requires all applications for wind turbine developments to be assessed against impacts arising from opportunities for energy storage.
- 2.8 This proposal includes a 5 MW battery energy storage system (BESS). The benefit of such a system would be to store energy from the proposal or excess electricity from the national grid, providing stability to the electricity supply network, meeting energy demands and providing improved energy security.

Having due regard to the above it is considered that the proposal by its very nature is consistent with the provisions of NPF4 Policy 1 – Tackling the climate and nature crises, NPF4 Policy 11 – Energy and LDP Policy 30 – The Sustainable Growth of Renewables which establish the primary policy framework for assessing wind farms.

3. SETTLEMENT STRATEGY

- 3.1 LDP2 Policy 02 – Outwith Settlement Areas states that outwith the settlement areas shown on the proposals map, development will only be acceptable where it accords with being located within a Countryside Area, a Remote Countryside Area, or within the Helensburgh and Lomond Green Belt subject to the criteria available. In the case of the site, it is located within a Remote Countryside Area (as per the Kintyre Proposals Map). Under part (i) of subcategory B, only specific categories of development on appropriate sites will be generally be supported, including renewable energy related development.
- 3.2 In principle, LDP2 Policy 02 supports renewable energy and ancillary developments Remote Countryside Areas, providing they accord with all other relevant policies. Policy 02 draws particular attention to the need for development proposals to accord with LDP2 Policies 70 to 76 with respect to landscape and the natural environment and sets out that development 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.

- 3.3 LDP2 Policy 04 - Sustainable Development further sets out that in preparing new development proposals, the developer should seek to demonstrate sustainable development principles including (as relevant to this proposal) to: a) maximise the opportunity for community benefit; i) respect the landscape character of an area; j) avoid places with significant risk of flooding... or ground instability; and k) avoid having a significant adverse impacts on land, air and water environment. The Breackerie Wind Farm 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'.
- 3.4 The submitted EIAR demonstrates that the scale and location of the proposal, does not produce adverse consequences in terms of landscape & visual impact (including cumulative) and that the significant effects caused are mitigated through the wider biodiversity and habitat creation measures proposed. For the reasons detailed in sections 4 to 22 of this report, it is considered that this proposal satisfies Development Plan Policy in relation to Settlement Strategy and Sustainable Development.

Having due regard to the above this proposal is consistent with the provisions of NPF4, LDP2 Policy 02 - Outwith Settlement Areas and Policy 04 - Sustainable development.

4 . LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT

- 4.1 Spanning approximately 1373 hectares (ha), the site is situated at the southern end of the Kintyre peninsula within an area of active commercial coniferous forestry. It is around 8km south-west of Campbeltown, approximately 5.5km north of Southend, and 5km south of Machrihanish. The core of the site comprises a basin created by the surrounding hills with the Lecknacreive Burn running generally north-west to south-east. The summit of Tirfergus Hill (260m AOD) to the north is outwith the site boundary, while the summits of Cnoc na Gabhar (239m AOD) and Cnoc Odhar (277m AOD) to the east, as well as Achnaslishaig Hill (307m AOD) to the south and The Slate (384m AOD) to the north-west all lie within the site boundary.
- 4.2 The landscape comprises a rolling plateau of densely forested hills, contrasting with local summits, with a small-scale valley to the immediate east which the B842 passes through. This contains most of the settlement within the area. Land to the west and south-west comprises steep coastal hills which drop steeply to the sea. To the north, the landform flattens into a broad lowland plain between Machrihanish and Campbeltown.
- 4.3 Settlement within the wider area is relatively sparse, with some small settlements, farms, and scattered residential properties located predominately to the eastern side of the site. Within 5km of the site, the small settlements of Machrihanish, Drumlemble, Stewarton, Killellan and Killeonan/Knocknaha are located to the north and north-east of the site. Other small settlements within 10km of the site include Kilchenzie to the north, Peninver to the north-east, and Millpark and Southend to the south-east.
- 4.4 The nearest trunk road is the A83, which terminates in Campbeltown. The B842 extends south of Campbeltown via Stewarton towards Southend and serves as the primary route south of Campbeltown. It passes the site approximately 1km to the east in a north-south orientation. The B843 extends east/west from Campbeltown to Machrihanish. There are a number of minor watercourses on the site including Allt Mor, Allt Brandon, Allt Seilich, Allt a Ghillean Dubh, Allt Airighe Glaise and Allt Criche, which flow into the Lecknacreive Burn. This runs in a generally south-easterly direction on

the site and feeds into the Breakerie Water to the south of the site. The site straddles a number of hillsides to form a rough bowl and as such is generally well drained with an absence of lochans or pools.

- 4.5 A local landscape designation covers the majority of the area south of Campbeltown including the site: the Mull of Kintyre Local Landscape Area. The Proposed Development would be the southern-most wind farm on the Kintyre Peninsula. However, there are a number of proposed, consented and operational wind farm developments located to the north of Campbeltown in addition to the proposed High Dalrioch wind farm to the north west of the site (just south of Campbeltown) which is currently at the scoping stage.
- 4.6 The main components of the proposed development are:
- Up to 13 turbines;
 - Associated turbine compound areas including foundations and hardstanding areas for erecting cranes at each turbine location;
 - On-site tracks connecting each turbine, using existing forestry tracks where appropriate (approximately 4.02km) and construction of new tracks elsewhere (approximately 7.47km);
 - An energy storage compound to store batteries with a 5MW capacity which would be within the construction compound footprint;
 - Underground cables linking the turbines to the substation;
 - Use of up to four onsite existing borrow pits for the extraction of stone on-site;
 - A temporary construction compound including provision for onsite concrete batching;
 - On-site 132kv substation;
 - Forestry felling and restocking; and
 - Habitat Management provisions.
- 4.7 The proposed development would provide approximately 85.8 MW of installed capacity in addition to 5MW of battery storage capacity, depending on the turbine model chosen. It is estimated by the Applicant that this installed capacity could generate approximately 365,678MWh of renewable electricity each year. The proposed development would be time-limited to 35 years from the first date of commercial operation. The construction phase would last approximately eighteen months and decommissioning would last approximately six months.
- 4.8 Deemed planning permission is sought to permit a period of ten years between the date of the Decision Notice and expiry of consent (should works not be commenced) rather than the usual three years. This is to accommodate any potential grid delays.
- 4.9 Connection to Electricity Grid - The grid connection does not form part of the section 36 application for the Proposed Development. Any required consent for the grid connection would typically be sought by the relevant owner of the local distribution or transmission network. The Network Operator would be responsible for the consenting, construction and operation and maintenance of the grid connection.
- Infrastructure
- 4.10 Scottish Water have advised the ECU that they have no objection to this proposal. This does not confirm the proposal can be serviced. Advice is also provided on: water assessment; foul assessment; drinking water protected areas and surface water.

- 4.11 Water Assessment – they have advised that there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore they would advise applicant to investigate private options.
- 4.12 Foul Assessment – they have advised that there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore they would advise applicant to investigate private treatment options.
- 4.13 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.
- 4.14 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 NPF4 Policy 11 – Energy 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. N LDP2 Policy 30 – Supporting the Sustainable Growth of Renewables requires 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 The project would bring socio-economic benefits to the local community, including the creation of jobs and opportunities for local businesses and suppliers during the construction phase and for the lifetime of the project. The Applicant is also committed to paying a community benefit package of £5,000 per MW of installed capacity for every year of operation in line with current Scottish Government guidance. There are several options for distributing these funds for the benefit of the local community and the applicant is in active discussions with established Community Development Trusts. Community Benefit is not however, considered a ‘material planning consideration’ in the determination of planning applications. 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.
- 5.3 Subject to further agreement, there are discussions ongoing between the Applicant and the neighbouring Largiebaan reserve owned and operated by the Scottish Wildlife Trust (SWT), to facilitate the planting of Atlantic rainforest as part of the off-site compensation required via forestry felling and replanting. This will provide an additional community benefit through required compensatory and biodiversity enhancement measures and should be secured through a planning condition.
- 5.4 **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 NPF4 Policy 11 – Energy, Nand LDP2 Policy 30 – Supporting the Sustainable Growth of Renewables.

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

- 6.1 NPF4 Policy 11 – Energy 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. LDP2 Policy 30 – The Sustainable Growth of Renewables 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).
- 6.2 Noise - Mott MacDonald Ltd (MM) and Alistair Somerville Associates were commissioned by Argyll & Bute Council to undertake a peer review of the noise assessment for the proposed Breackerie wind farm. 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. A report was produced which summarises the findings of the review, sought further information and suggested suitably worded conditions to limit the noise levels, tonality and amplitude modulation.
- 6.3 On 8th April 2024 the applicant provided additional information on the candidate turbine sound power level data for the unconstrained and noise reduced operational modes, details on the use of noise reduced operational modes, clarification on the calibration dates presented on one of the Field Data Sheets and further information on the equipment used for the baseline background noise survey. The applicant also disagreed with the proposed conditions relating to amplitude Modulation (AM), noting that these should be dealt with using Statutory Nuisance powers and that a night-time fixed limit of 35 dB LA90 is adopted then this would be unduly restrictive to the renewable energy output of the Proposed Development.
- 6.4 Further to the submission of this additional information, (16th April 2024) the Council's noise consultant has responded to confirm that the technical matters pertaining to the turbine power levels and mitigation and the background noise survey were satisfactorily resolved. The following planning conditions are required to mitigate the impact of noise on local communities:
- Amplitude Modulation - The Council's Noise Consultant confirms this condition is necessary as set out in the Mott MacDonald Report and in line with recently consented schemes by Scottish Ministers (Sanquhar II wind farm).
 - Fixed Minimum Limits - A lower fixed night-time limit of 38 dB LA90 (as accepted on other proposed schemes within Argyll and Bute) should be applied to ensure the effectiveness of the AM and tonality condition at night.
- 6.5 Shadow Flicker – there are only two properties in proximity to the site where shadow flicker effects are theoretically possible: Lochorodale Woods (the northernmost of the two properties to the northeast of T8) and Lochorodale (by the roadside). The former is financially involved with the project and is used as an occasional leisure base for a European-based landowner (and therefore not occupied year-round), whilst the latter is presently unoccupied and has been for several years (although is occupiable). When

applying corrections and allowances for the amount of sunlight received in Kintyre, no property would receive significant effects.

- 6.6 Any Residential Amenity and Visual Impact matters are considered below in the section on Significant Landscape & Visual Impact.
- 6.7 **Having due regard to the above it is concluded that the proposal complies with provisions of NPF4 Policy 11- Energy and LDP2 Policy 30 – The Sustainable Growth of Renewables relating to potential shadow flicker and noise impacts subject to the conditions referred to in paragraph 6.4 by the Council’s Noise Consultant being attached to any consent.**

7. SIGNIFICANT LANDSCAPE AND VISUAL IMPACTS

- 7.1 NPF4 Policy 11 – Energy 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. NPF4 Policy 4 (a) – Natural Places states that proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. LDP2 Policy 30 – The Sustainable Growth of Renewables requires all applications for wind turbine developments to be assessed against landscape and visual impacts. LDP2 Policy 71 – Development Impacts on Local Landscape Areas (LLA) states that the Council will resist development in or affecting LLAs where its scale, location or design will have a significant adverse impact on the character of the landscape. Proposals must demonstrate that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community-wide importance.
- 7.2 The Council’s Consultant Landscape Architect, Carol Anderson has undertaken a Landscape & Visual Review of this proposal, which is based on examination of the Environmental Impact Assessment Report (EIAR) and site visits to identified key viewpoints. The term ‘Mull of Kintyre’ is used in the review to refer to the whole of the southern end of the Kintyre peninsula as this area has a distinct character which is different from the rest of the Kintyre peninsula.
- 7.3 Siting and design of the proposal: the Council’s landscape consultant agrees that the location of the wind farm in a shallow dip between rolling hills would generally reduce intrusion, particularly on the sensitive coasts of the Mull of Kintyre and that the proposal would fit with the simple character of landform and landcover of the site and its immediate surrounds. However, the Council’s consultant does not agree that the proposed turbines (at 200m high to blade tip) would fit with the scale of the landscape and in some close views they will appear overly large in relation to the relief of the hills they are located within. Mitigation has been agreed in outline with the applicant with the aim of reducing the dominant effects of some turbines in key views and this is addressed in the conclusions set out below.

- 7.4 Effects on landscape character - *The Mull of Kintyre Upland Forest Moor Mosaic* Landscape Character Type (LCT), within which the proposed development is located, has a large to medium scale. The rolling hills present in the core of this LCT are largely forested and have a generally simple landform and landcover pattern. These key characteristics reduce the susceptibility of much of this landscape although the complexity of the landform and landscape pattern increases (and the scale reduces) on the outer southern, eastern and northern fringes of these uplands where farmland and settlement are present. The coastal parts of this LCT are additionally complex and rugged with strong qualities of naturalness, and in the more remote high cliff coastal edges to the south-west and west, a distinct sense of wildness can be experienced. Susceptibility therefore varies significantly across the LCT. This LCT is covered by a local landscape designation and additionally accommodates the nationally important route of the Kintyre Way which increases the value associated with this landscape. Effects on the character of part of this LCT would be direct, significant and adverse.
- 7.5 There would be adverse significant indirect effects on the character of the adjacent *Hidden Glens LCT (Glen Breackerie)* where the proposal would be widely visible and the turbines would appear very large in relation to the small-medium scale of this narrow glen.
- 7.6 In terms of effects on wider seascape character (which takes into account the combination of sea, coastal edge and land), there would be visibility of the proposal from the expansive seas to the south and west of the Mull of Kintyre and from the northern part of the small and remote island of Sanda. The proposal would introduce man-made infrastructure into seascapes with a high degree of remoteness and naturalness diminishing the sense of wildness associated with the Mull of Kintyre. Effects on the character of this seascape are considered to be adverse but not significantly so because of the mitigating factors of the relatively limited extent of development visible (both vertical and horizontal), the location of the proposal 'sunk down' in a dip between hills (which generally reduces its prominence) and its distance from the coast and sea.
- 7.7 Effects on designated landscapes - Theoretical visibility of the proposal is shown on Figures 6.2a and 6.3a of the EIA. Beyond 10km of the proposal, visibility would principally extend across the sparsely settled southern hills of the Kintyre peninsula. There would be some visibility from the west coast of Kintyre but little visibility from the east coast. There would be extensive visibility across the sea to the west and north-west and to the south and south-east with the proposal seen at distances from around 5km. Within approximately 5-10km, visibility of the proposal from the north would be principally concentrated across the sparsely settled southern hills of the Kintyre peninsula, the farmed and settled lowlands and south-facing hill slopes between Campbeltown and Machrinhanish. There would be patchy visibility of the proposal from the southern coast and farmland of the Mull of Kintyre area and seen at distances of >4km. Closer to the development site, there would be views from minor public roads (one of these routes is aligned through the proposed wind farm site) and from the B842. There would be no visibility of the proposal from the remote and rugged south-western and western coast of the Mull of Kintyre.
- 7.8 This proposal would have some significant adverse effects on landscape character and on views although its location in a less sensitive larger scale forested upland landscape, its siting in a slight dip between rolling hills (which affords a degree of screening) and its distance from more sensitive landscapes and key visual receptors

generally reduces the magnitude of these effects. The proposal would be located in the Mull of Kintyre LLA. This LLA is likely to have been designated because of its diverse and dramatic coastal scenery. There would be significant adverse effects on some of the qualities likely to have formed the reasons for designation of the LLA but having appraised the extent and nature of these effects, I do not consider that the integrity of the designated area would be compromised.

- 7.9 In general, although effects would be significant in views from the north, for example from the A83 road (viewpoint 11) due to the introduction of new turbines in views where none are presently seen, the turbines would be seen on a lower section of a generally simple upland skyline reducing the severity of the effect. Similarly, while the proposal would be clearly visible from the beaches of Machrihanish and Westport (and seen at distances of around 6-10km) the location of the turbines away from the dramatic bluff formed by the high summits and cliffs of the western Mull of Kintyre is a mitigating factor reducing the magnitude of change. There would be visibility from the eastern part of Campbeltown (Viewpoint 12) but I consider that effects would not be significant due to the position of the turbines seen on a low section of skyline with some screening of turbine bases by landform.
- 7.10 Significant adverse effects on views would principally occur within approximately 10km of the proposed development and with the key effects being from the following locations:
- *The Kintyre Way Viewpoints 1, 2 and 5* illustrate views from the route but the proposal would also be seen in views from the unclassified road which forms part of this nationally important recreational route between Caskey Bay and Glen Breackerie (over a distance of between 3-4km) where the turbines would be prominent and would appear to overwhelm the relief of the rolling hills they are sited within. Turbines 7 and 9 would be particularly intrusive in views seen along the route from Keil Point travelling north-west into Glen Breackerie.
 - *The B842 Viewpoints 3 and 7* illustrate these views. The turbines would appear particularly dominant in Viewpoint 3 near Killellan and would overwhelm the relief of the rolling hills they are sited within with access road construction/widening clearly visible and adding to the magnitude of change. There would be similarly close views from the unclassified road which branches from the B842 to traverse the uplands and which would be aligned through the proposed wind farm site before dropping down to Glen Breackerie.
 - *Views from the sea to the south and from Sanda (Viewpoint 10)* illustrates likely views from the sea and the proposal's disruption of the present harmonious layered effect of hills which backdrop the coast. While the majority of turbine towers will be screened by landform (thereby reducing intrusion to some degree) I disagree with the judgement made in the LVIA that effects would not be significant given the scenic quality and intactness of the upland landscape which is free of detractors in these sea views. Similar visibility is predicted to extend across the northern part of Sanda (although it is accepted that few people visit this island due to restrictions imposed by its present owners).
 - *Ben Ghuilean (Viewpoint 9)* where views would be elevated and the proposal seen at 7.7km with access tracks, keyhole felling and turbines adding to the already unsightly forest operations and geometry of felling coupes.
- 7.11 Night-time lighting effects - Technical Appendix 6.4 of the EIA provides an assessment of night-time effects. Four visualisations showing night-time effects have been generated. The assessment concludes that there would be no significant effects

associated with night-time lighting from these viewpoints. The Mull of Kintyre is sparsely settled and has dark night skies. Our Consultant Landscape Architect considers that the LVIA under-estimates the likely effects of night-time lighting from Viewpoints 3 and 5. These viewpoints lie within the darker southern part of the study area unlike Viewpoints 7 and 14 (Stewarton and Westport Beach) where baseline lighting levels are increased due to the presence of Machrihanish airport, well-trafficked roads and Campbeltown. The duration of significant adverse effects would extend into night-time from Viewpoints 3 and 5, from Glen Breackerie and from temporary anchorages off Carskey Bay and near Sanda on the southern coast of the Mull of Kintyre.

- 7.12 Cumulative landscape and visual effects with other proposed wind farms - The proposal would introduce new wind farm development to the southern extremity of Kintyre. As such there would be few cumulative landscape and visual effects with operational and consented wind farms which are located further north on the peninsula >12km distance with relatively little intervisibility occurring between developments. There will however be adverse cumulative effects on sequential views from:
- The Kintyre Way with this proposal contributing to the increase in the incidence of close-by wind turbines having significant adverse effects on people walking the route.
 - The A83 between Tarbert and Campbeltown where the proposal would be seen sequentially with the operational Auchadaduie turbines and the Blary Hill and Tangy wind farms and the consented Tangy repowering, Clachaig Glen, Airigh and Rowan wind farms.
 - In views from Arran – although adverse in terms of extending extent of development the proposal would sit low on the skyline of Kintyre (thereby reducing prominence and intrusion) and the distinctive ‘bump’ of the Mull of Kintyre would remain largely unaffected in these views.
- 7.13 High Dalrioch wind farm proposal which lies approximately 5km from the Breackerie proposal has greatest potential to result in significant adverse cumulative landscape and visual effects in views from Campbeltown, Ben Ghuilean and from the farmed and settled lowlands between Campbeltown and Machrinhanish
- 7.14 Conclusions - Following an initial review of the proposal, including a field visit, a number of mitigation measures were identified that could potentially improve the appearance of the wind farm and also provide optimum outcomes for biodiversity and landscape character. Discussions have taken place with the applicant on the following measures:
- A reduction in the height of Turbines 7 and 9 to mitigate the degree of intrusion experienced in views from the sensitive southern coast of the LLA and when seen from the Kintyre Way where it is aligned in Glen Breackerie. The applicant has produced a wireline showing a reduction in the height of these two most prominent turbines from 200m to 180m.
 - Relocation of these two turbines (retaining them at 200m height) to a lower position so more of the tower is screened by the ridge. Following review of the revised wireline produced 20/3/24 by the applicant it appears a reduction of turbines 7 and 9 to 180m would be beneficial but that further measures to reduce their prominence should be undertaken. This should either involve a further reduction in the height of these two turbines (<180m) or relocation of the two 180m high turbines further down the slope to the north-east to benefit from greater screening of towers by Achnaslishaig Hill.

- 7.15 In addition, the applicant was asked to consider more ambitious landscape and biodiversity mitigation and enhancement proposals in line with the aims of NPF4 Policy 3 - Biodiversity. The measures set out in Technical Appendix 8.5 (Habitat Management Plan) principally relate to mitigation of the effects of the development rather than wider biodiversity enhancement. It is noted in Chapter 3 of the EIA (paragraph 3.66) that compensatory planting may involve the creation of Atlantic rainforest in the Largiebaan Reserve. In response to the Council's request, the applicant has set out a proposal to create 80 hectares of Atlantic rainforest on the Largiebaan Reserve subject to the agreement of the Scottish Wildlife Trust (SWT) (email dated 10/4/24). This would comprise 52.93 hectares of compensatory planting and a further 27.07 hectares as an off-site biodiversity enhancement measure. This would be a beneficial outcome in terms of biodiversity and these measures should be secured by planning condition or as part of the legal agreement.
- 7.16 While the location of the proposal in a productive forest is likely to limit scope for biodiversity enhancement, the Council's Landscape Consultant considers that the proposed wind farm should form a catalyst to effect quicker and more far-reaching improvement to uniform and, in places, poorly designed forestry. The planting of native woodlands (particularly to soften the often abrupt and angular edges of productive forestry in key views) and the creation of more extensive open space and riparian woodland along water courses within the Slate Forest landholding should be undertaken. These measures have not yet been addressed by the applicant and should also be considered as part of the outline habitat management plan and/or long term forest management plan to be secured by condition.
- 7.17 The effects of visible aviation lighting are also a concern and while it is accepted that the day-time effects of the proposal would be of far greater significance and would be likely to affect more people, the Mull of Kintyre area has notably dark skies which would be significantly diminished by this proposal. It is therefore also strongly recommended that an Aircraft Detection Lighting System should be installed at the earliest opportunity as this would substantially reduce the duration and impact of night-time lighting and this provision should be secured via planning condition.
- 7.18 It is also recommended that a condition should be put in place to limit micro-siting of turbines to 50m (the applicant is seeking a 100m micro-siting allowance). The reason for restricting the micro-siting allowance is because of the steeply rolling nature of the proposal site where even relatively small adjustments to the location of some turbines could potentially result in a loss of landform screening and greater visual intrusion of turbines in key views.
- 7.19 Key visualisations for the Committee to review include:
- Viewpoint 1: Kintyre Way, Glen Breackerie
 - Viewpoint 3: B842 near Killellan
 - Viewpoint 5: Minor road near Keil Point
 - Viewpoint 7: Stewarton
 - Viewpoint 9: Ben Ghulean
 - Viewpoint 10: Kintyre Express Ferry Route
 - Viewpoint 11: A83 between Kilkenzie and Drumore
 - Viewpoint 12: Campbeltown
 - Viewpoint 14: Westport beach
 - Night-time visualisations N3 and N5
 - Additional wireline visualisation produced by the applicant 20/3/24 from the sea to the west of the Mull of Kintyre

- The comparative wireline visualisations (Viewpoints 1-4, 10 and 14) should also be reviewed as these show the differences between the Proposal and the proposed reduction in height of turbines 7 and 9.

- 7.20 Applicant's response to ABC Landscape Comments – following discussions on options to improve visual effects from the south, additional wirelines were provided to demonstrate the difference from viewpoint 5 should T7 and T9 be limited to 180m in the current position. Noted these reductions in height would also reduce impacts on Scheduled Monuments as highlighted by HES. The applicant advised the ECU that they would agree to a condition to limit the overall height in m AOD of turbines 7 and 9 – either as a movement downhill but retaining the tip height at 200m, or if the turbines remain in their current position they would be limited to 180m to tip. The wording of the condition to be agreed at a later stage with the Council to be consulted on final co-ordinates.
- 7.21 In response to the requested uplift in biodiversity enhancements, the applicant provided further information on proposals to deliver 80 ha of enhanced biodiversity and compensatory planting at the Largiebaan Nature Reserve have been progressed with the Scottish Wildlife Trust (SWT) to deliver compensatory planting in the form of 80ha new Atlantic rainforest in the Largiebaan Reserve (email dated 10/4/24). This would comprise 52.93 hectares of compensatory planting and a further 27.07 hectares as an off-site biodiversity enhancement measures.
- 7.22 NatureScot have provided the ECU with the following landscape advice (summary) –
- The Mull of Kintyre has its own distinctive regional character which forms a marked contrast to the rest of the Kintyre peninsula and contains no consented large-scale wind farm developments. The Proposal would introduce wind farm development within the northwestern uplands of the Mull of Kintyre, south of the Campbeltown Plain. The value and scenic qualities of the Mull are recognised in part by the Argyll and Bute Council Mull of Kintyre Local Landscape Area (LLA) designation.
 - The introduction of wind farm development into the Mull of Kintyre would reduce the marked contrast with the length of the Kintyre peninsula where wind farm development is concentrated, potentially weakening the distinctive character of the Mull of Kintyre as a relatively undeveloped and remote area. Our advice focusses on significant adverse effects in relation to the Mull of Kintyre. The Proposal will diminish the experience of the Mull of Kintyre as a discrete area with a strong sense of arrival, well expressed qualities of remoteness/ seclusion and high scenic quality.
 - While the Proposal would have significant adverse landscape and visual effects it does not meet the threshold of national interest in line with our guidance.
 - Advised the Determining Authority to encourage the Applicant to explore a reduction in turbine height with the aim of reducing visibility/ intrusion on the currently undeveloped skyline; especially where the turbines impinge into smaller scale settled landscapes/ highly scenic coastal panoramas.
 - It should be noted the potential for significant cumulative interactions would be a future consideration for any similar applications within the Mull of Kintyre and the potential significant erosion of distinctive regional character.
- 7.23 Historic Environment Scotland (HES) - have provided the following landscape advice (summary) – advised the ECU they do not object to the proposal but have identified EIA significant effects on the setting of two scheduled monuments in the vicinity of the proposed development, Lochorodale, long cairn 1000m NW of (SM3653) and

Lochorodale, long cairn 505m SW of (SM3654). We have identified mitigation which would help to reduce this level of effect:

- the deletion of turbines T6, T7, T8 and T9 or substantial height reduction and/or relocation to an area of the development further from the cairn would reduce the level of effect on the setting of the SM3653.
- the deletion or reduction in height or relocation of turbines, T7 and T8, that align broadly with the axis of the cairn would reduce the level of effect on the setting of Lochorodale, long cairn 505m SW of (SM3654).

7.24 Officer's Conclusion – based on the advice of the Council's Consultant Landscape Architect the impact of this Proposed Development does not warrant an objection on landscape and visual impact grounds. Assessment of the impact on the Mull of Kintyre LLA have found that the proposal would not damage the integrity of the area or the qualities for which it has been identified. In addition, the applicant has reduced the impact of turbines 7&9 through a lowering of 180m in height and has agreed to further reduce the impact on these turbines through micrositing. Additional landscape and biodiversity benefits have also been agreed as part of an overall package to mitigate the landscape and visual impact and deliver local social and environmental benefits.

7.25 The concerns raised by NatureScot and HES are noted and will be a matter for the Energy Consents Unit to consider/resolve prior to Scottish Ministers reaching a decision on this application.

7.26 **Having due regard to the above and the changes made to mitigate the significant effects on the landscape it is concluded that provided these changes are secured through the use of planning conditions, the proposal complies with the provisions of NPF4 Policy 11 – Energy and NPF4 Policy 4 – Natural Places, and LDP2 Policy 30 – The Sustainable Growth of renewables, LDP2 Policy 71 – Development Impacts on Local Landscape Areas (LLA) and ABWECS (2017).**

8. IMPACTS ON TOURISM AND RECREATION

8.1 NPF4 Policy 11 – Energy does not require Impacts on tourism to be considered, however LDP2 Policy 30 – The Sustainable Growth of Renewables requires all applications for wind turbine developments to be assessed against impacts on tourism and recreation.

8.2 Impacts on tourism and recreation – 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, regardless of the scale of development proposed. LDP2 identifies impacts on tourism and recreation as a material consideration in the assessment of renewable energy developments on the basis that inappropriate developments with significant adverse effects which contribute to the degradation of landscape character are unlikely to be in the interests of the Argyll tourism economy.

8.3 As Tourism and Landscape & Visual matters are intrinsically linked, and there is little evidence to demonstrate whether or not wind farms adversely affect tourism, it is considered that such impacts are covered in the landscape and visual impact assessment of the proposal. The assessment provided demonstrates that the proposals will not visually impact upon any of the top 5 free or paid for tourism

attractions in Argyll and Bute. However, the LVIA does identify significant impacts on local tourist and recreation receptors in the operational phases, including:

- one tourist accommodation property (Kilchrist Castle Cottages);
- 4 land-based routes or groups of routes: Core Path C088(I) – Campbeltown to Claonaig; C092(a) Mull of Kintyre Lighthouse; C086 – Machrihanish to West Port; C087 (Sound of Kintyre Housing to beach); C447 (Darlochan to Stewarton, Campbeltown); and C448 (Stewarton to Clochkeil, Campbeltown).
- 1 public beach (Westport Beach); and
- one natural environment activity (Largiebaan Nature Reserve).

8.4 A number of representations have also been received to the ECU relating to the impact on tourism and walking routes, however, it is not considered that the impact of the proposed development would be significant.

8.5 **Having due regard to the above it is considered that the proposals is consistent with the provisions of NPF4 Policy 11 - Energy, NPF4 Policy 4 – Natural Places and LDP2 Policy 30 – The Sustainable Growth of Renewables, LDP2 Policy 32 Active Travel; Argyll and Bute Landscape Wind Energy Capacity Study 2017 LDP2 TN12 Technical Note: Renewable Energy.**

9. PUBLIC ACCESS

9.1 NPF4 Policy 11 – Energy 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. LDP2 Policy 30 – The Sustainable Growth of Renewables 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. LDP2 Policy 32 – Active Travel 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 The Council's Access officer has noted that the whole area of the proposed windfarm is land where the public can exercise their legal rights of access, and people can only be excluded from land immediately around sites where construction is being carried out. Therefore the majority of the area should be open for the public throughout the construction period and any closures should affect the minimum area for the shortest period possible. People of all abilities can exercise their rights of access to walk, cycle or ride a horse, therefore bridle gates should be installed wherever it is necessary to install a locked gate or cattle grid. The Council has powers to require a landowner to install a bridle gate where the public's rights of access are obstructed by a locked gate or cattle grid.

Officer opinion: The proposal will be visible from some key routes, but will not have any adverse impact on public access and guidance has been provided to the applicant to maintain access for the public when appropriate.

9.3 **Having due regard to the above subject to a condition to secure an Access Management Plan in the event that consent is granted it is considered that the proposal is consistent with the provisions of NPF4 Policy 11- Energy, NPF4 Policy 4 – Natural Places and LDP2 Policy 30 – The Sustainable Growth of Renewables, LDP2 Policy 32 Active Travel;**

10. AVIATION AND DEFENCE INTERESTS INCLUDING SEISMOLOGICAL RECORDING

- 10.1 NPF4 Policy 11 – Energy requires that project design and mitigations demonstrates how impacts on aviation and defence interests including seismological recording have been addressed. LDP2 Policy 30 – The Sustainable Growth of Renewables requires impacts on aviation and defence interests and seismological recording and on telecommunications links to be addressed.
- 10.2 Highlands & Islands Airport Limited (HIAL) (13th December 2023) – advised the ECU that at the given position and height, this development would not infringe the safeguarding criteria and operation of Campbeltown Airport and therefore no objection is raised.
- 10.3 Defence Infrastructure Organisation (17th November 2023) – advised the ECU they have no objection subject to the following conditions: Aviation lighting and Aviation Charting and Safety Management to maintain aviation safety.
- 10.4 Glasgow Airport have advised the ECU the proposal advised the ECU the proposal is located outwith the consultation area and as such no comment to make and need not be consulted further.
- 10.5 **Glasgow Prestwick Airport (GPA)** (23rd November 2023) – advised the ECU that the proposal raises an aviation safety concern which may create an operational impact on the Airport as an Air Navigation Services Provider (ANSP). As a result a standard holding objection has been raised until all technical and operational aviation safety matters detailed above are addressed to the satisfaction of the Airport, any aviation safety measures dictated by the Airport Wind Farm Safeguarding Process are implemented, and a mitigation agreement is put in place for the life of the windfarm. The Airport noted that it would be able to remove the holding objection should the proposed radar line of sight assessment indicate that no turbines were visible to the GPA PSR(s).
- 10.6 **National Air Traffic Services Safeguarding (NATS)** 9th November 2023) – advised the ECU the proposal has been examined by their technical safeguarding teams and a technical impact is anticipated on Prestwick Centre ATC and Military ATC, this has been deemed to be unacceptable. Accordingly, NATS issued a safeguarding objection to the proposal.
- 10.7 **Applicant’s response to GPA and NATS** (10th April 2024) – further technical work is being undertaken to resolve the issues raised, including a VHF report. Following these reports, mitigation contracts will be drawn up between the applicant and both NATS and GPA to ensure no impact on aviation matters and ensure the withdrawal of the holding objections. This is an approach that has been previously adopted for other wind farm applications (e.g. Rowan Wind Farm (insert ref)).
- 10.8 Further confirmation has been provided (7th May 2024) that GPA is optimistic that appropriate mitigation of these effects will be possible and that an agreement can be reached with the Applicant in respect of mitigation measures, which would allow GPA to withdraw its objection. NATS has also confirmed (9th May 2024) that they are confident that the implementation of the proposed ‘blinking contract’ will address the concerns effectively. It should also be noted that in the unlikely event the standing objection is not withdrawn by either NATS or GPA, aviation matters fall within the remit

of the ECU to resolve PRIOR to any decision by Scottish Ministers rather than with the local planning authority. For this reason, officers do not recommended a holding objection by the Council on aviation matters.

- 10.9 **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 NPF4 Policy 11 – Energy, LDP2 Policy 30 – The Sustainable Growth of Renewables.**

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. LDP2 Policy 30 – The Sustainable Growth of Renewables 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 Joint Radio Company Limited (9th November 2023) – advised the ECU no potential problems are foreseen based on known interference scenarios and the data provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the 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 NPF4 Policy 11- Energy and LDP2 Policy 30 – The Sustainable Growth of Renewables.**

12. ROAD TRAFFIC AND ADJACENT TRUNK ROADS

- 12.1 NPF4 Policy 11 – Energy requires that project design and mitigation demonstrates how impacts on road traffic and on adjacent trunk roads have been addressed, including during construction. LDP2 Policy 30 – The Sustainable Growth of Renewables requires all applications for wind turbine developments to be assessed against impacts on road traffic and impacts on adjacent trunk roads.
- 12.2 Transport Scotland (TS) - advised the ECU they have no objection. TS requests that conditions are attached in the event that the proposal receives consent relating to: an Abnormal Loads Assessment; approval of the proposed route for any abnormal loads; accommodation measures (removal of street furniture, junction widening, traffic management); additional signing or temporary traffic control measures must be undertaken by a recognised Quality Assured traffic management consultant; abnormal load delivery trial run; Construction Traffic Management Plan (CTMP); sheeting of all vehicles transporting construction material; vehicle wheel cleansing facilities; and a Decommissioning Plan.
- 12.3 Following discussions between the Council's Roads Engineer and the applicant's Transport Consultant, further information has been provided to clarify the proposals to use U38 and C10 and no objection is raised. A number of conditions are requested to be attached to any consent granted: U38 to be used for abnormal loads only; all contractors to be made aware of U38 to be used for abnormal loads only; applicant is

to inspect and submit a U38 and C10 mitigation report prior to any works starting; carriageway widening, strengthening, surfacing and additional passing places for the proposed U38 Moss Road and U10 Glenbreakerie Road (including new passing place signs); temporary carriageway widening to be soiled and reseeded on completion of construction works; all removed street furniture to be replaced with new; Traffic Management Plan to include details of all materials, plant, equipment, components and labour required during the construction, operation and decommissioning phase; a detailed Method Statement in relation to access and transport of materials, plant and equipment; detailed condition survey to be carried out on all haul routes between the A83 Tarbet - Campbeltown Trunk Road and the application site; weekly carriageway inspections on the public road between the A83 Tarbet - Campbeltown Trunk Road. The applicant will be responsible for the cost of carrying out repairs to the carriageway which are directly attributable to the works, as they appear with details for repairs to carriageway to be agreed with Roads & Infrastructure Services, prior to any work starting on site.

- 12.4 The Roads Engineer has also highlighted the following notes for intimation to the Applicant: a Section 96 Legal Agreement will be required and connection of site access to public road to be agreed with Roads & Infrastructure Services, prior to any work starting on site.
- 12.5 **Having due regard to the above, subject to the relevant conditions being attached in the event that consent is granted it is concluded that the proposal is consistent with the provisions of Policy 11 – Energy of National Planning Framework 4, LDP2 Policy 30 – The Sustainable Growth of Renewables, LDP2 Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes and LDP2 Policy 38 – Construction Standards for Public Roads.**

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 LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan requires all applications for wind turbine developments to be assessed against impacts on the historic environment, including scheduled monuments, listed buildings and their settings. LDP2 Policy 19 – Scheduled Monuments and LDP2 Policy 16 – Listed Buildings provide further guidance on assessing development proposals against heritage impacts.
- 13.2 Historic Environment Scotland (HES) – advised the ECU they do not object to the proposal but have identified EIA significant effects on the setting of two scheduled monuments in the vicinity of the proposed development, Lochorodale, long cairn 1000m NW of (SM3653) and Lochorodale, long cairn 505m SW of (SM3654). HS identifies the following mitigation which would reduce this level of effect:
- The deletion of turbines T6, T7, T8 and T9 or substantial height reduction and/or relocation to an area of the development further from the cairn would reduce the level of effect on the setting of the SM3653.
 - The deletion or reduction in height or relocation of turbines, T7 and T8, that align broadly with the axis of the cairn would reduce the level of effect on the setting of Lochorodale, long cairn 505m SW of (SM3654).

- 13.4 In response to the proposed changes made to the Proposed Development to mitigate landscape and visual impact assessment, HES responded (3rd May 2024) that while they welcome the consideration of changes, the proposed revisions to the heights of turbines 7 and 9 to 180m would not make a material alteration to the impacts on the setting of the two scheduled monuments. HES confirm however that the suggested revisions would not raise issues of national interest.
- 13.5 The West of Scotland Archaeology Service (WOSAS) support Historic Environment Scotland (HES) advice concerning the effect of the proposals on the setting of Scheduled Ancient Monuments (SAMs) in the surrounding landscape. Advises that both Lochorodale cairn SAMs (SM3653, SM3654) will suffer a significant detrimental effect on the ability to appreciate the monuments in an entirely rural landscape setting when visiting the sites themselves and on approach from the NE on the road. Advised the ECU that the proposed mitigation set out in the EIA cultural heritage chapter would reduce any significant effect and these measures should be secured through conditional consent.
- 13.6 Listed buildings - There is one C listed building which falls within the zone of theoretical visibility (7 to 9 turbines visible) - Killenan lodge. Additional visualisations have been provided to demonstrate the impact of the proposals on the setting of this building and the Council's Design and Conservation officer has commented: *the historic importance of the gate lodge is connected to its function of protecting the main house itself (which in this case is now in ruin). Its historic setting would therefore primarily be inward to the house, rather than outward, and unlikely to be particularly affected unless there is a change of character in the immediate landscape. I would not consider that long views towards these turbine tips to notably affect this setting.* As such, the proposals are consistent with LDP2 Policy 16 – Listed Buildings.
- 13.7 **Having due regard to the above it is considered that the proposal is consistent with the provisions of NPF4 Policy 11 – Energy and Policy 7 – Historic Assets and LDP2 Policy 30 – Supporting the Sustainable Growth of Renewables, LDP2 Policy 19 – Scheduled Monuments, LDP2 Policy 16 – Listed Buildings.**

14. HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK

- 14.1 NPF4 Policy 11 – Energy requires that project design and mitigation demonstrates how effects on hydrology, the water environment and flood risk have been addressed. LDP2 Policy LDP 30 – The Sustainable Growth of Renewables 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). LDP2 Policy 56 – Land Erosion and LDP2 Policy 57 - Risk Appraisals provide guidance on the type of development that will be generally permissible within specific flood risk areas and require flood risk assessments, drainage impact assessments, or land erosion risk appraisals to accompany application where required.
- 14.2 ABC Flood Risk Assessor (12th December 2023) – no objections subject to conditions to ensure that: watercourse crossings should not reduce the existing capacity of the channel, and ideally designed to convey the 1 in 200 year plus climate change (46% allowance) flood event; and surface water drainage should be designed in accordance with CIRIA C753 to ensure that post development surface water runoff does not exceed the pre-development surface water runoff. The surface water drainage should be in operation prior to the start of construction.

- 14.3 **Having due regard to the above, subject to the relevant conditions being attached in the event that consent is granted it is concluded that the proposal is consistent with the provisions of NPF4 Policy 11 – Energy, LDP2 Policy 30 – The Sustainable Growth of Renewables, LDP2 Policy 56 – Land Erosion and LDP2 Policy 57 - Risk Appraisals.**

15. NATURAL HERITAGE, INC. BIRDS

- 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. LDP2 Policy 30 – the Sustainable Growth of Renewables 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 confirmed to the ECU that the Proposal will not raise issues of national interest with regards to the ornithological interest of the site but did raise queries regarding the survey work (including the age of data), inputs into the modelling process and subsequent assessment. The applicant has responded to these issues. NS also noted that increased monitoring for bat and bird carcasses at the operational stage would allow for mitigation to reduce the impact on biodiversity and requested that this be secured through the use of planning condition. NS also recommended revisions to the Outline Habitat Management Plan to create better habitat away from the key holed areas to reduce the attractiveness of the habitat for hen harriers, informed by existing habitat quality and any known history of nesting locally in line with emerging guidance.
- 15.3 RSPB has advised the ECU that it does not object to the proposals and welcomes the siting of the majority of the proposal's infrastructure within commercial forestry plantation (considered low biodiversity value). RSPB also suggest additional planting to help reduce the attractiveness of proposed key-holed areas to Hen Harriers. RSPB queried the balance of mitigation vs enhancement measure in line with NPF4 Policy 3 – Biodiversity and requested conditions to secure: a Bird Protection Plan; Habitat Management Plan; an Ecological Clerk of Works (ECoW); and, an appropriate programme of post-construction monitoring alongside any consent.

Peat

- 15.4 According to the submitted EIAR, most of the Proposed Development site is classed as Class 5 peat (where no peatland habitat is recorded, but where soils are carbon-rich and comprise deep peat).

- 15.5 Scottish Environment Protection Agency (SEPA) – advised the ECU they have no objection and requested conditions relating to: schedule of mitigation; a 50m buffer around all water bodies and water course crossings; a detailed site-specific Peat Management Plan (PMP) to detail maintain the hydrological condition of the area between T5 and T9 due to the presence of relatively deep peat and M6. The Peat Management Plan includes the use of floating tracks and micro-siting where possible between turbines T5 and T7 but we require these measures to be extended to T9 due to the presence of M6 (mire) AND ensure the peat surplus from excavations is used for peatland restoration as detailed in the Habitat Management Plan; Borrow pit restoration; Finalised Habitat Management Plan; Private water supplies; and micro-siting.
- 15.6 To ensure that any changes to the peat reuse proposals because of further post consent investigation are appropriate and in line with current guidance, SEPA request a condition requiring a detailed site-specific Peat Management Plan (PMP) for approval to the determining authority, in consultation with SEPA, at least two months prior to commencement of development. This should demonstrate how micro-siting and other measures have been used to further minimise peat disturbance following ground investigations and detailed design work.
- 15.7 **Ironside Farrar (Environmental Consultants on behalf of Scottish Government ECU to audit Peat Landslide Hazard Risk Assessment (PLHRA))** (21st March 2024) – advised the ECU that further information is required to support a robust assessment; areas for attention will be advised in the review findings and outline guidance offered to support the developer in preparing a satisfactory PLHRA. At time of writing further submissions have not yet been made, however it is noted that this will be a matter for the ECU to resolve with the applicant prior to any decisions being made by the Scottish Ministers on this proposal.

Borrow pits

- 15.8 The proposal seeks consent for use of up to four onsite existing borrow pits. NPF4 Policy 33 – Minerals 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 LDP2 Policy 31 – Minerals 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). As noted above, conditions will be used to secure appropriate restoration proposals in line with SEPA recommendations.
- 15.9 Officer comment - Officers are satisfied to support the recommendation of SEPA, including suggested conditions in relation to peat matters and the restoration of borrow pits. In terms of ornithology, officers are content with the assessment and recommendations of NatureScot and RSPB, including the proposed conditions. Proposals to deliver additional 80ha compensatory planting to create new areas of Atlantic Rainforest within the Largiebaan Nature Reserve are also noted as making a positive contribution towards the natural heritage in the immediate area surrounding the proposed development site and these enhancement measures should be secured by planning condition or legal agreement with appropriate consultation with NatureScot and RSPB.

- 15.10 **Having due regard to the above, the proposal is consistent with the provisions of NPF4 Policy 11 – Energy, NPF4 Policy 3 – Biodiversity, NPF4 Policy 5 Soils and NPF4 Policy 31 – Minerals as well as LDP2 Policy 30 – The Sustainable Growth of renewables, LDP2 Policy 73 – Development Impact on Habitats, Species and Biodiversity, LDP2 Policy 79 – Protection of Soil and Peat Resources and LDP2 Policy 31 - Minerals.**

16. TREES, WOODS AND FORESTS

- 16.1 NPF4 Policy 11 – Energy requires that project design and mitigation will demonstrate how impacts on trees, woods and forests have been addressed. NPF4 Policy 6 – Forestry, woodland and Trees intent is to protect and expand forests, woodland and trees. LDP2 Policy 77 – Forestry, Woodland and Trees states: Removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits. These benefits will be secured by attaching a planning condition or by requiring a developer to enter into a planning obligation. Where woodland, hedgerows or individual trees are removed in association with development, adequate provision must be made for the planting of new woodland resources, including compensatory planting in accordance with the sequential approach set out in LDP2 Policy 78 – Woodland Removal.
- 16.2 The proposed development is situated within an active commercial coniferous forestry plantation, dominated by sitka spruce. As a result of the proposed development, a total of 271.43ha would be required to accommodate the infrastructure footprint, buffer for bats, and management felling. A total of 218.5ha would subsequently be restocked on site, with 52.93ha requiring to be replaced as off-site compensation. Subject to further agreement, there are discussions ongoing between the Applicant and the neighbouring Largiebaan reserve owned and operated by the Scottish Wildlife Trust (SWT), to facilitate the planting of 80 ha Atlantic rainforest as part of the off-site compensation required via forestry felling and replanting and the Control of Woodland Policy.
- 16.3 This arrangement for compensatory planting would be in line with LDP2 Policy 78 which states that a sequential approach should be followed for all agreed compensatory planting with on site as the most favourable approach and offsite (within Argyll and Bute) as the next best option. Off-site compensatory planting must be set out in a compensatory planting plan approved by Scottish Forestry and should be conditioned as appropriate or dealt with through S75 or S69 agreements.
- 16.4 Scottish Forestry – advised the ECU they support the proposal for key-holing and habitat improvements within the forest, although this will involve a large-scale intervention of 196ha tree felling. It is noted that this felling provides an opportunity to improve the diversity of the woodland, particularly through extending habitat networks and connecting to the proposed peatland restoration. They recommend the use of planning conditions to secure a revised forest plan for Slate forest and a detailed compensatory planting condition.
- 16.5 **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 NPF4 Policies 11 – Energy and 6 – Forestry, Woodland and Trees and LDP2 Policy 04 – Sustainable Development; LDP2 Policy 73 – Development Impact on Habitats, Species and Biodiversity, Policy 77 – Forestry, Woodland and Trees, LDP2 Policy 78 – Woodland Removal.**

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

- 17.1 NPF4 Policy 11 – Energy (e) requires that project design and mitigation demonstrates how proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration have been addressed. It also requires that project design and mitigation demonstrates 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. LDP2 Policy 30 – The Sustainable Growth of Renewables requires all applications for wind turbine developments to be assessed against impacts arising from the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration and the need for a robust planning obligation to ensure that operators achieve site restoration.
- 17.2 At the end of the project's operational life (approximately 35 years), a decision would be made as to whether to refurbish, remove, or replace the turbines. If refurbishment or replacement were to be chosen, relevant planning applications would be made. If a decision were to be taken to decommission the Proposed Development, this would entail the removal of all the turbine components, transformers, the substation and associated buildings. Access tracks and underground cables would be left in place and foundations removed to a depth of 0.5 m below ground level to avoid environmental impacts from removal.
- 17.3 A Decommissioning Plan would set out environmental protection measures and restoration principles which would be implemented. This Plan would be agreed with ABC but 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. It should be noted that a financial guarantee and bond will also be required - this bond will need to be reviewed by independent consultants every 5 years at the cost to the applicant.

Having due regard to the above it is concluded that subject to an appropriate condition being attached to secure decommissioning in the event that the proposal receives consent the proposal is consistent with the provisions of NPF4 Policy 11 – Energy and LDP2 Policy 30 – The Sustainable Growth of Renewables.

18. CUMULATIVE IMPACTS

- 18.1 NPF4 Policy 11 – Energy requires that project design and mitigation will demonstrate how cumulative impacts have been addressed. LDP2 Policy 30 – The Sustainable Growth of Renewables also requires cumulative impacts to be addressed. Any cumulative impacts are mostly related to landscape and visual impact, which have been covered in the preceding sections of this report.

19. PERPETUITY

- 19.1 Policy 11 – Energy of NPF4 requires that consents for development 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 operational life of the Proposed Development would be 35 years, should consent be granted for this**

proposal Officers would expect it to be time limited to 35 years to reflect the life of the wind farm as detailed in the EIAR.

20. CONCLUSION

- 20.1 This proposal is classed as “Strategic Renewable Electricity Generation” - a National Development, due to its capacity to generate and store more than 50MW. The Scottish Government gives considerable commitment to the delivery of renewable energy given the priority set out in NPF4 to address the climate and biodiversity crises. It therefore encourages Planning Authorities to support the development of wind farms where they can operate successfully in appropriate locations. NPF4 is clear that significant weight should be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. This proposal will result in the generation of 85.8MW energy and the reduction of 157,802 tonnes of carbon dioxide annually during its 35 year operational life.
- 20.2 However, while there is clearly ‘in principle’ support for this type of development, assessment against the wider provisions of the Development Plan, which includes NPF4 and the Argyll & Bute LDP2 is required to determine the impact of the proposal.
- 20.3 For Argyll and Bute Council, the visual impact on the landscape is a key consideration. In this instance, the Council’s Landscape Consultant has identified some significant adverse landscape and visual impacts, however, these are not considered to warrant an objection on landscape and visual impact grounds. NPF4 further advises that where impacts are localised and / or appropriate design mitigation has been applied (which is the case for this proposal where height reduction and possible relocation of T7 and T9 has been agreed) such effects will generally be considered acceptable. It is also noted that a package of enhanced biodiversity measures including the creation of 80 ha Atlantic Rainforest at Largiebaan has been agreed with the applicant and host site to mitigate and reduce these impacts.
- 20.4 Other matters relating to impacts of the Proposed Development on noise, roads, impacts on residential amenity, natural heritage, trees and woodland, soils, historic environment, roads and traffic, hydrology and flood risk, tourism and recreation, public access, telecommunications, including cumulative impacts have been assessed and found to be acceptable. Where negative effects have been identified, these have generally been found to be minor in nature and are either addressed through planning conditions or outweighed by social, environmental or economic benefits consistent with the provisions of the Development Plan in this regard.
- 20.5 Outstanding matters relate to aviation and peat landslide risk. However, these matters fall within the remit of the ECU to resolve appropriately with the applicant prior to any decision by Scottish Ministers. These are not grounds for objection by the Council.
- 20.6 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. In addition to the standard conditions applied to most wind farm developments, the following conditions and provisions for legal agreements have been identified as necessary to mitigate the specific impacts of the Breackerie Wind Farm proposal:
- Revision of height and/or location of T7 and T9 in consultation with Argyll and Bute Council to reduce landscape and visual impact and heritage impacts;

- Aviation detection lighting system to avoid the impact on the dark skies of the Mull of Kintyre;
- Reduced wind turbine micro-siting allowance of 50m;
- Secure delivery of 80 ha compensatory biodiversity enhancement measures at Largibaan Nature Reserve and consideration of further on-site compensatory planting; and
- Noise protection measures (AM and fixed minimum limits).

21. RECOMMENDATION

That the ECU be notified accordingly that:

- 1. Argyll & Bute Council does not object to the proposed development subject to the inclusion of conditions recommended by consultees being included in any consent.**
- 2. Argyll & Bute Council further recommends the following conditions and provisions for legal agreements as discussed with the applicant to mitigate the specific impacts of the Breackerie Wind Farm proposal:**
 - **Revision of height and/or location of T7 and T9 in consultation with Argyll and Bute Council to reduce landscape and visual impact and heritage impacts;**
 - **Aviation detection lighting system to avoid the visual impact on the dark skies of the Mull of Kintyre;**
 - **Reduced wind turbine micro-siting allowance of other wind turbines to 50m to ensure no change from assessed proposal;**
 - **Delivery of 80 ha compensatory biodiversity enhancement measures at Largiebaan Nature Reserve and consideration of further on-site compensatory planting; and**
 - **Noise protection measures (AM and fixed minimum limits).**
- 3. Regarding the outstanding Aviation matters, Argyll & Bute Council would defer to the expert advice of National Air Traffic Systems and Glasgow Prestwick Airport to resolve these matters with the ECU.**