



Report to the Scottish Ministers

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by Keith Bray and Dan Jackman, reporters appointed by the Scottish Ministers

- Case reference: PPA-130-2064
- Site Address: Clachaig Glen Windfarm, land north east of Muasdale, Argyll, PA29 6UZ
- Appeal by E.ON Climate & Renewables UK against the decision by Argyll and Bute Council
- Application for planning permission, ref. 16/01313/PP dated 18 May 2016, refused by notice dated 21 September 2017
- The development proposed: erection of 14 wind turbines and associated infrastructure
- Dates of inquiry and hearing sessions: January 8 to 10, 2019 and January 22 to 24, 2019

Date of this report and recommendation: 14 October 2019



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Summary of Report into Recalled

Planning Appeal

The erection of 14 wind turbines (13 with a blade tip height of up to 126.5 metres and one with a blade tip height of up to 115.5 metres), upgrading of permanent access, formation of site access tracks, erection of permanent anemometer mast, control building and substation, watercourse crossings and temporary construction compound, at land north east of Muasdale, Clachaig Glen, Kintyre, Argyll

• Case reference	PPA-130-2064
• Case type	Recalled planning permission appeal
• Reporters	Keith Bray and Dan Jackman
• Appellant	E.ON Climate and Renewables UK
• Planning authority	Argyll and Bute Council
• Other parties	West Kintyre Community Council RES Limited
• Date of application	18 May 2016
• Date case received by DPEA	20 December 2017
• Methods of consideration and dates	Written submissions 23 January 2018 Unaccompanied site visits 19 and 20 February 2018 Appeal recalled by Scottish Ministers 22 March 2018 Conjoined Pre-Examination Meeting 3 July 2018 Unaccompanied site visits on 2, 3, 4 July 2018 Written submissions 9 July 2018 Inquiry sessions 9, 10, 22 and 23 January 2019 Conjoined Hearing sessions 8 and 24 January 2019 Accompanied site visits 11 and 23 January 2019 Unaccompanied site visits on 7 May 2019
• Date of report	14 October 2019
• Reporter's recommendation	Approve subject to planning conditions

The proposal

The proposed development is 14 wind turbines. The anticipated installed electrical capacity would be up to 47.6 megawatts. Of the 14 turbines, 13 would have a blade tip height of up to 126.5 metres and a hub height of up to 80 metres. The remaining turbine would have a blade tip height of up to 115.5 metres with a hub height of up to 69 metres.

The proposal would involve upgrading the permanent access at the Killean Estate junction from the A83, the formation of site access tracks, the erection of a permanent anemometer mast, control building and a substation, together with watercourse crossings and a temporary construction compound. An area of approximately 113.95 hectares of woodland would require to be felled.

Site description

The appeal site is located in Argyll and Bute on the Kintyre peninsula, approximately 20 kilometres north of Campbeltown. The site boundary is approximately 1.8 kilometres north east of the small settlement of Muasdale, with the lower parts of the site known as Clachaig Glen. The site occupies an area of approximately 12.59 square kilometres, with the predominant current land use being commercial timber production. The site is not within any national environmental designations. However, a number are present within the surrounding area.

Consultations and representations

A range of consultees had no objections; in some cases that was subject to conditions. A small number of consultees did not submit a response to the council.

South Knapdale Community Council object on the grounds of visual and landscape impact, including cumulative impacts.

Scottish Natural Heritage did not object to the proposal. They highlighted a number of concerns regarding adverse landscape, visual and cumulative impacts. Scottish Natural Heritage were satisfied with the nature conservation implications of the proposal and that there would be no adverse effect on the Kintyre Goose Roosts Special Protection Area.

The Royal Society for the Protection of Birds did not object. They expressed some concerns that the potential impacts have been underestimated. The Royal Society for the Protection of Birds also advised that three turbines should be relocated and habitat management undertaken.

No objection was received from Historic Environment Scotland. Historic Environment Scotland did however have a concern over impacts on the setting of Dunan Muasdale, dun.

Scottish Environment Protection Agency initially objected on the grounds of a lack of information regarding forest waste. On 22 August 2018 Scottish Environment

Protection Agency clarified that their objection was removed subject to a condition requiring the submission of a construction environmental management plan.

Consultees did not have any objection with regard to aviation matters, subject to the implementation of specific conditions.

The Killean wind farm applicant has not objected to the Clachaig Glen proposal.

A total of 11 representations were received by the council in response to the planning application, eight of which raised objections to the proposal. The grounds of objection include: planning policy; landscape and visual impacts; ornithological and ecological impacts; archaeology; impacts on tourism and recreation; flood risk and drainage; noise and health impacts; a preference for alternatives; inconsistency with previous decisions; and, impacts on private water supplies.

Case for the appellant

The proposal accords with national and local policy; both renewable energy and planning policy. It has comparatively limited environmental impacts, none of which are unacceptable. The undoubted benefits of the proposal outweigh any of the limited adverse landscape and visual impacts.

Case for the council

Combating climate change and generating electricity from renewable sources is important. Reaching government targets related to these matters is also important. However, the proposal would have adverse landscape and visual impacts (including cumulative) of such a scale that the scheme is contrary to the development plan and is not sustainable development. If balanced against factors in its favour the impacts mean that consent should be refused.

Case for West Kintyre Community Council

The scheme would have adverse landscape and visual effects (with cumulative impacts) including on the seascape, core paths, the long-distance walk of the Kintyre way, the Island of Gigha, the Knapdale peninsula and the surrounding area.

The proposal would have a damaging effect on the tourism economy including on the Kintyre Way long distance walk. Residents are concerned with the potential for flooding and impact on local private water supplies.

Reporters' conclusions

Clachaig Glen wind farm would contribute to Scottish Government targets for increasing generation of electricity from renewables and reducing carbon dioxide emissions.

We conclude that the proposal should be considered acceptable in terms of its landscape and visual impact, including cumulative impacts. Subject to the use of

our recommended planning conditions, we do not find any other unacceptable environmental impacts.

The proposal accords overall with the relevant provisions of the development plan and would benefit from the Scottish Planning Policy presumption in favour of development that contributes to sustainable development. There are no other material considerations which we consider would justify the refusal of planning permission.

Recommendations

We recommend that planning permission be granted, subject to the satisfactory completion of an appropriate assessment as set out at Chapter 6, paragraph 6.62, and subject to conditions listed in [Appendix 5](#).

This recommendation is made irrespective of whether Scottish Ministers consent the Killeen wind farm or not.

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DPEA case reference: PPA-130-2064

The Scottish Ministers
Edinburgh

Ministers

In accordance with our minutes of appointment dated 27 March 2018, we conducted a public inquiry in connection with a planning appeal for the construction and operation of a wind farm at land north east of Muasdale, centred around Clachaig Glen, Kintyre, Argyll.

This appeal was recalled to enable it to be considered alongside a nearby proposed wind farm at land on Killean Estate, Kintyre Argyll (WIN-130-3) which is before the Minister for Energy, Connectivity and the Islands under Section 36 of The Electricity Act, and to allow Ministers to consider the potential cumulative impacts. We were also appointed to report our findings to the Minister for Energy, Connectivity and the Islands on the Killean wind farm application, and have done so in a separate report also submitted today.

We held a pre-examination meeting on 3 July 2018 to consider the arrangements and procedures for the inquiry as the diaries of the parties did not allow for an earlier meeting. It was agreed at the meeting that the landscape and visual impacts (including cumulative impacts) of both Clachaig Glen wind farm and Killean wind farm would be addressed at a joint inquiry session. It was also agreed that policy matters and planning conditions/legal agreements would be addressed at joint hearing sessions.

At the pre-examination meeting we also agreed further written submissions on forest waste and aviation lighting. Those written submissions were concluded in advance of the inquiry and hearing sessions.

We conducted unaccompanied site inspections of locations referred to in evidence around the time of the pre-examination meeting on 2, 3 and 4 July 2018.

Due to difficulties in finding mutually agreeable dates between parties, the public inquiry was delayed until January 2019. The inquiry sessions were held on 9, 10, 22 and 23 January 2019. Hearing sessions were held on 8 and 24 January 2019. Accompanied site inspections took place on 11 and 23 January 2019. Following the hearing on 24 January 2019 we asked for a final agreed set of conditions to be submitted by 15 February 2019. Closing submissions were submitted in writing, with the final closing submission, on behalf of the appellant, lodged on 12 March 2019. Our final unaccompanied site inspections were conducted on 7 May 2019.

Our report, which is arranged on a topic basis, takes account of the precognitions, written statements, documents and closing submissions lodged by the parties, together with the discussion at the inquiry and hearing sessions. It also takes account of the Environmental Statement, other environmental information submitted by the parties, and the written representations made in connection with the proposal. For ease of reference, documents are hyperlinked throughout the report.

On 16 May 2017, the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 came into force. The 2017 regulations revoked the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 with certain exceptions. The 2011 Regulations continue to have effect for an application (and any subsequent appeal) for planning permission where the applicant submitted an environmental statement in connection with the application before 16 May 2017. That was done in this case. Therefore the present appeal should therefore be determined in accordance with the 2011 regulations as they applied before 16 May 2017.

In carrying out our environmental impact assessment of this proposal, we have had regard to all of the environmental information and to the responses to it from consultees and other parties. We have considered direct and indirect effects of the proposed development on human beings, fauna and flora, soil, water, air, climate and the landscape, material assets and cultural heritage. In this report we have a focus on those matters that are critical to the acceptability of the proposal and over which the main parties disagree.

We deal with effects on human beings in the landscape and visual, and residential amenity chapters of this report. Effects on flora and fauna are dealt with in Chapter 6. Impacts on soil, water, air and material assets were not raised in the reasons for refusal and we agree that any effects could be successfully addressed by conditions. The issue of climate is dealt with in the policy chapter and effects on cultural heritage assets is considered in the 'other relevant matters' chapter.

CHAPTER 1: BACKGROUND

Our report

1.1. The hyperlinks provided generally connect to the document database maintained by the Scottish Government's Planning and Environmental Appeals Division. The documents associated with this case will remain publicly accessible for twelve weeks following the determination of this application. After that the documents will be archived and the hyperlinks will stop working. Some links within the body of the text, when clicked, will simply take the reader to the section of this report highlighted. Furthermore, in our report we do not provide in-depth assessment where we are satisfied with the positions of the parties.

The proposal

1.2 E.ON Climate and Renewables UK (the appellant) sought planning permission under the Town and Country Planning (Scotland) Act 1997 from Argyll and Bute Council (the council), for constructing a wind farm north east of Muasdale, Clachaig Glen, Kintyre, Argyll. The planning application was a Major Development as the proposed installed capacity exceeded 20 megawatts.

1.3 The proposed development consists of 14 wind turbines. The anticipated installed electrical capacity would be up to 47.6 megawatts. Of the 14 turbines, 13 would have a blade tip height of up to 126.5 metres and a hub height of up to 80 metres. The remaining turbine (T1) would have a blade tip height of up to 115.5 metres with a hub height of up to 69 metres. The wind farm would involve upgrading the permanent access at the Killean estate junction onto the A83, the formation of site access tracks, the erection of a permanent anemometer mast, control building and a substation, together with watercourse crossings and a temporary construction compound. An area of approximately 113.95 hectares of woodland would require to be felled.

1.4 The proposal is a 'Schedule 2' Environmental Impact Assessment Development and an Environmental Statement has been required due to the potential for significant environmental impact. The planning application was submitted to the council on 18 May 2016. It was accompanied by an Environmental Statement and other supporting information. The Environmental Statement considered matters including:

- approach to Environmental Impact Assessment;
- evolution of design and alternatives;
- consultation;
- planning policy context;
- landscape and visual assessment;
- noise;
- ecology;
- ornithology;
- geology, hydrology and hydrogeology;
- archaeology and cultural heritage;
- socio-economics and tourism;
- traffic, transport and access;

- infrastructure and telecommunications;
- air safeguarding;
- forestry;
- shadow flicker; and
- residual effects and conclusions.

1.5 On 14 July 2017 correspondence from the appellant highlighted a typographical error in the Environmental Statement. A request was made that the implementation period of any planning permission be five years rather than three years. The error did not however affect the findings presented in the Environmental Statement.

1.6 No other revisions to the proposed development were made during the course of the consideration of the application by the council.

Site description

1.7 The appeal site is located in Argyll and Bute on the Kintyre peninsula, approximately 20 kilometres north of Campbeltown. The site boundary at its nearest point is approximately 1.8 kilometres north east of the small settlement of Muasdale, with lower parts of the site known as Clachaig Glen. Clachaig Water and a number of its tributaries traverse the site, draining to the west. The site occupies an area of approximately 12.59 square kilometres. The central grid reference for the site is National Grid Reference 172190 641550 (see [planning drawings](#)).

1.8 The main current land use of the site is commercial timber production and managed by Forest Enterprise Scotland. There are also areas of open moorland within the site. Most of the turbines proposed are to be sited within existing forestry. The site is not within any national environmental designations. However, a number are present within the surrounding area.

1.9 Permanent access to the development will be taken from the Killean Estate junction with the A83 and will follow the existing Cross-Kintyre timber haul route heading east before heading south towards the main part of the site. This access point will be permanently widened to give access for abnormal loads.

1.10 There are no residential properties located within the site. Several relatively isolated properties are located west of the site boundary and to the east of the A83. They are associated with the small settlements of Muasdale, Beacharr and Glenbarr.

1.11 The proposal shares part of its site boundary with the Killean wind farm proposal, which is to the north of the Clachaig Glen proposal. Both wind farms are to be accessed from the Killean Estate junction with the A83 which forms part of the 'Kintyre Way' Core Path and long-distance route.

Consultation responses

1.12 The following consultees had no objection to the proposal:

- National Air Traffic Services;

- Civil Aviation Authority;
- Glasgow Airport;
- Glasgow Prestwick Airport;
- Joint Radio Company;
- OFCOM Spectrum Licensing; and,
- WS Atkins (on behalf of telecommunications interests).

1.13 West Kintyre Community Council (21 June 2016 [ECG 4.37](#)) objected to the proposal on the grounds of cumulative impact, visual impact, noise impact for some properties north of the village of Muasdale, and on flood risk in the village of Muasdale.

1.14 South Knapdale Community Council (16 June 2016 [ECG 4.36](#)) objected on the grounds of visual impact and landscape impact, including cumulative impacts.

1.15 Scottish Natural Heritage (15 June 2016 [ECG 4.21](#)) did not object to the proposal. Their initial response highlighted a number of concerns regarding adverse landscape, visual and cumulative impacts. Mitigation advice was offered that smaller turbine sizes might reduce impacts, both by reducing visibility from the coast and also reducing turbine prominence offshore. Scottish Natural Heritage were satisfied with the nature conservation implications of the proposal and that there would be no adverse effect on the Kintyre Goose Roosts Special Protection Area. Their response was subject to conditions and the implementation of a habitat management plan.

1.16 On 24 August 2017 Scottish Natural Heritage ([ECG 4.22](#)), in light of Scottish Ministers decisions on Creggan and Blary Hill wind farms, provided additional advice. This included impacts of visible lighting on the turbines. Scottish Natural Heritage also advised the council to rely on its previous consultation advice for cumulative issues.

1.17 The Royal Society for the Protection of Birds (25 July 2016 [ECG 4.23](#)) did not object. They expressed some concern that the potential impacts have been underestimated. The Royal Society for the Protection of Birds also advised that three turbines should be relocated and that habitat management is undertaken.

1.18 Transport Scotland (23 June 2016 [ECG 4.8](#) and 5 July 2017 [ECG 4.9](#)) had no objection, subject to conditions.

1.19 The council's Area Roads Engineer (25 May 2016 [ECG 4.10](#) and 4 July 2017 [ECG 4.11](#)) had no objection, subject to conditions.

1.20 No objection was received from Historic Environment Scotland (27 June 2016 [ECG 4.12](#), 30 September 2016 [ECG 4.13](#), and 20 July 2017 [ECG 4.14](#)). This includes further consultation on potential impact of access and works adjacent to the A83 upon the nearby listed 'Doll's Houses'. Historic Environment Scotland did highlight a concern over impacts on the setting of a small number of the scheduled ancient monuments, including Dunan Muasdale, dun.

1.21 On 22 June 2016 Scottish Environment Protection Agency objected

([ECG 4.24](#)) on the grounds of a lack of information regarding forest waste. Following concerns raised in other representations relating to flood risk, Scottish Environment Protection Agency (7 October 2016 [ECG 4.25](#), 18 July 2017 [ECG 4.26](#)) highlighted that it was for the council to ensure adequate drainage arrangements. They expect that best practice would be followed, in line with their regulatory requirements and guidance on wind farm development. On 22 August 2018 Scottish Environment Protection Agency ([ECG 4.26A](#)) clarified that their objection was removed subject to the submission of a construction and environmental management plan.

1.22 Forestry Commission Scotland (24 June 2016, [ECG 4.31](#), 1 December 2016 [ECG 4.32](#) and 16 August 2017 [ECG 4.33](#)), following the submission of additional information, had no objection, subject to conditions.

1.23 The council's Flood Risk Engineer (5 October 2016 [ECG 4.27](#)), Public Protection Officer (13 June 2016 [ECG 4.28](#)) and Access Team (6 October 2016 [ECG 4.30](#)) had no objection, subject to conditions.

1.24 Scottish Water (10 June 2016 [ECG 4.34](#) and 24 July 2017 [ECG 4.35](#)) had no objection, subject to conditions.

1.25 Highlands and Islands Airports limited ([ECG 4.7](#)) had no objection.

1.26 On 15 June 2016 ([ECG 4.15](#)) and 23 January 2018 ([ECG 4.16](#)) the Ministry of Defence indicated no objection, subject to specific conditions.

1.27 The following consultees submitted no response to the council:

- Gigha Community Council;
- North Ayrshire Council;
- BAA Aerodrome Safeguarding;
- CSS Spectrum Management Services;
- Kintyre Way;
- West of Scotland Archaeology Service; and,
- Argyll and District Salmon Fishery Board.

Representations

1.28 A total of eleven [representations](#) were received by the council in response to the planning application, eight of which raised objections to the proposal and three raised more general representations. Seven individuals who have raised objections are resident within communities near to the site. The objections can be summarised as follows:

- non-compliance with the development plan for the area;
- impact upon an Area of Panoramic Quality;
- scale, landscape and visual impacts;
- cumulative landscape and visual impacts;
- ornithological and ecological impacts;
- impacts on archaeology and historic sites of importance;
- detrimental impacts upon tourism and recreation;

- flood risk and surface water impacts;
- noise and health impacts;
- a preference for alternative proposals;
- precedent set by previous decisions; and,
- impact upon private water supplies.

1.29 Comment was also made by a property owner at North Beachmore concerning the lack of neighbour notification received. In response, the council said that neighbours were notified in accordance with statutory requirements.

Planning application and appeal process

1.30 The planning application was refused permission by Argyll and Bute Council following consideration of the application by the council's Development & Infrastructure Services Committee on 20 September 2017. Three reasons for refusal were set out in the decision notice ([ECG 2.4](#)), dated 21 September 2017:

1. The proposed wind farm, inclusive of the means of access required, is located on the small edge hills on the outer western edge of the uplands of the Kintyre peninsula, within the 'Upland Forest Moor Mosaic' Landscape Character Type (ref 'Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) (SNH/Argyll & Bute Council 2012) in very close proximity to the smaller scaled and highly sensitive coastal 'Rocky Mosaic' Landscape Character Type. Sensitivity increases at the transition between these two landscape character types due to the smaller scale of the hills on the western edge of the upland area, proximity to settled and farmed landscapes and to the coast, where sensitive receptors are concentrated. The proposal will intrude significantly on views of the peninsula from the coastal edge ('Coastal Plain' Landscape Character Type) and from offshore, in particular from the Isle of Gigha ('Coastal Parallel Ridges' Landscape Character Type) and the ferry route to/from Islay. The proposal is not associated with the larger scale, simple upland interior where development of this scale has better prospects of being assimilated successfully in its landscape setting.

The 'Argyll and Bute Wind Energy Capacity Study' March 2012 states that: 'New development should be sited away from the more complex irregular small hills found on the outer edge of the Kintyre Peninsula...' Furthermore that: 'Significant intrusion on the setting and views from the adjacent settled and small scale 'Rocky Mosaic' ...should be avoided by larger turbines being set well back into the interior of these uplands – this would also accord with the established pattern of existing wind farm development within the Kintyre peninsula thus limiting cumulative landscape impacts'. The landscape capacity study also states that: 'Larger typologies (80 – 130m) sited on the often small and irregular 'edge' hills which form a more visible and immediate setting to the settled small scale Rocky Mosaic (20) ...would affect the presently uncluttered skyline which backdrop these areas'.

At 126.5 m and 115.5m in height to the blade tip, the proposal would be out of scale with its landscape context, and the turbine size would not be in keeping with other wind farm developments close by. This size of turbine would dominate the scale of the smaller more complex edge hills on the western edge of the upland area and would be an unwelcome intrusion in coastal

landscapes. The west coast of Kintyre is designated as an Area of Panoramic Quality (APQ) in recognition of its scenic qualities of regional value. The proposal impinges on the sensitive coastal skylines which frame and provide a setting for the coast which is characterised by the contrast between the land and the sea, and development on the scale proposed would undermine these qualities to the detriment of landscape character.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including the achievement of climate change related commitments.

Having due regard to the above, it is considered that this proposal would have a significant adverse impact on Landscape Character, would adversely affect a number of key views and would degrade designated scenic assets including an 'Area of Panoramic Quality'. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies LDP STRAT 1 - Sustainable Development; LDP DM 1 – Development within the Development Management Zones; LDP 6 – Supporting the Sustainable Growth of Renewables; and LDP 9 – Development Setting, Layout and Design; of the 'Argyll & Bute Local Development Plan (adopted 2015) and Supplementary Guidance: SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs); and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

2. The proposal would present relatively high visibility, compared to other wind farm development on the peninsula, would increase the prominence of wind farms in Kintyre and would have significant visual effects upon locations offshore including Gigha and the Gigha Ferry, as represented by VP12, VP14, VP15; The Sound of Gigha as represented by VP6 and VP 12 and the ferry route to/from Islay as represented by VP18. The turbines would extend large scale wind turbine development on the skyline of the coastal edge of the peninsula, where it would exert an unwelcome influence over locations within the adjacent West Kintyre Area of Panoramic Quality. The development would also necessitate the formation of an extensive area to provide a means of access incorporating a turning area on the shoreside of the A83(T), which in itself would constitute an intrusive form of development presenting adverse consequences for visual amenity.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including the achievement of climate change related commitments.

Having due regard to the above, it is considered that this proposal would have a significant adverse impact on visual amenity by introducing prominent large scale development into a number of key views, and would degrade designated scenic assets including the adjacent 'Area of Panoramic Quality'. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies LDP STRAT 1 - Sustainable Development; LDP DM 1 – Development

within the Development Management Zones; LDP 6 – Supporting the Sustainable Growth of Renewables; and LDP 9 – Development Setting, Layout and Design; of the ‘Argyll & Bute Local Development Plan (adopted 2015) and Supplementary Guidance: SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs); and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

3. Clachaig Glen is not visually associated with the existing clusters of wind farm development being a location more closely associated with the coast. The addition of this proposal to the western edge of ‘Upland Forest Moor Mosaic’ character type would erode the established pattern of wind energy development on the Kintyre peninsula, and would spread the influence of large scale turbine development away from the interior hills to the smaller scale and more sensitive coast and seascape. The existing focus of development around the central part of the spine of Kintyre is now well established, so the proposal would represent an outlier with influence over the coast, which would present a disproportionate cumulative impact upon both landscape character and scenic quality.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including the achievement of climate change related commitments.

Having due regard to the above, it is considered that this proposal would contribute disproportionately to adverse cumulative impacts arising from the presence of wind farm developments in Kintyre. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government’s Specific Advice Sheet on Onshore Wind Farms; Policies LDP STRAT 1 - Sustainable Development; LDP DM 1 – Development within the Development Management Zones; LDP 6 – Supporting the Sustainable Growth of Renewables; and LDP 9 – Development Setting, Layout and Design; of the ‘Argyll & Bute Local Development Plan (adopted 2015) and Supplementary Guidance: SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs); and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

1.31 The appeal against the refusal of planning permission was submitted to Scottish Ministers on 20 December 2017.

1.32 A procedure notice was issued on 23 January 2018 requiring comments from parties on the Scottish Government policy documents: Onshore Wind Policy ([CD 2.7](#)) and Scottish Energy Strategy – the Future of Energy in Scotland ([CD 2.3](#)). Responses to that notice were concluded by 1 March 2018.

1.33 On 29 January 2018 the applicants for the proposed Killeen wind farm requested that the examination of their Section 36 application be conjoined with the planning appeal for the Clachaig Glen wind farm.

1.34 The original reporter appointed to consider this case carried out an unaccompanied site inspections on 19 and 20 February 2018.

1.35 On 22 March 2018 Scottish Ministers recalled the Clachaig Glen wind farm appeal for them to determine. This was in order to consider the potential cumulative impact of the Killean and Clachaig Glen developments together. The decision to conjoin the cases was forwarded to the appellant on 23 March 2018.

1.36 We were formally appointed as reporters for this case on 27 March 2018. We were also appointed to report our findings to the Minister for Energy, Connectivity and the Islands on the Killean wind farm application, and have done so in a separate report also submitted today. We considered that conjoining the cases would be of benefit of all parties, and to enable us to properly and transparently consider the individual and cumulative effects of the developments and make recommendations to Scottish Ministers. Views were sought from the appellant and the council on that matter and both were content with a conjoined public inquiry.

1.37 We held a pre-examination meeting on 3 July 2018 to consider the arrangements and procedures for the inquiry. The meeting was delayed because the diaries of the parties to the appeal did not allow for an earlier meeting. It was agreed, and stated in the pre-examination [meeting note](#) issued on 9 July, that the landscape and visual impacts (including cumulative impacts) of both Clachaig Glen wind farm and Killean wind farm would be addressed at a joint inquiry session. It was also agreed that policy matters and planning conditions/legal agreements would be addressed at joint hearing sessions.

1.38 At the pre-examination meeting we also agreed further written submissions on forest waste and aviation lighting and these were set out in the meeting note. Those written submissions were concluded in August 2018.

1.39 We conducted unaccompanied site inspections of locations referred to in evidence around the time of the pre-examination meeting on 2, 3 and 4 July 2018.

1.40 The appellant updated their cumulative landscape and visual assessment on 16 November 2018 by submitting Additional Environmental Information. This was done in light of: the recent construction of two wind farms (Cour and Freasdail); other changes to the wind farm baseline on Kintyre; the publication of the Argyll and Bute Landscape Wind Energy Capacity Study in 2017 (CD [4.1](#), [4.2](#), [4.3](#)); and changes to the Killean wind farm. The Additional Environmental Information was considered at the public inquiry by all parties.

1.41 Due to further difficulties in finding mutually agreeable dates between the parties, the public inquiry was delayed until January of this year. The inquiry sessions were held in Tayinloan Village Hall on 9, 10, 22 and 23 January 2019. Hearing sessions were held in the same venue on 8 and 24 January 2019.

1.42 Our accompanied site inspections took place on 11 and 23 January 2019 during the weeks of the public inquiry sessions.

1.43 Three additional documents were accepted during the public inquiry: access note dated 8 January 2019 ([ECG 1.15](#)); plan accompanying access note dated 8 January 2019 ([ECG 1.16](#)); and, a Summary of Assessments Table ([ECG 1.17](#)).

1.44 Following the discussion at the conditions and legal agreements hearing on 24 January 2019 we asked for a final set of agreed conditions to be submitted by 15 February 2019 ([Appendix 3](#) to this Report). Closing submissions were submitted in writing ([Appellant](#), [Council](#), and [West Kintyre Community Council](#)). The final closing submission, on behalf of the appellant, was lodged with our office on 12 March 2019.

1.45 Unaccompanied site inspections on Arran were also carried out on 7 May 2019.

CHAPTER 2: POLICY CONTEXT

Background

2.1 This chapter of our report highlights the energy and planning policy context for this proposal. However, under the provisions of section 25 of the Town and Country Planning (Scotland) Act 1997 the decision should be made in accordance with the development plan unless material considerations indicate otherwise. Material considerations include, amongst other matters, the national energy policy position and Scottish Planning Policy. In this case there is no disagreement that the statutory Development Plan currently comprises the Argyll and Bute Local Development Plan, adopted in March 2015 ([CD 4.6](#)), along with its adopted Supplementary Guidance.

2.2 The council has published and consulted on a Main Issues Report for the Argyll and Bute Local Development Plan 2. However, the council and the appellant are agreed that the Main Issues Report is not a material consideration for this appeal. Given the proposed plan has not been produced, we agree with that position.

Agreed Matters

2.3 The appellant and council submitted a Statement of Agreed Matters ([ECG 1.11](#)). It sets out some of the policy considerations for this appeal and where the parties agreed. The overall policy context was considered during the Public Inquiry at a hearing session. The requirements and interpretation of policy proved not to be contentious. Any conflicting views between the parties were generally related to the relative importance that ought to be given to various policy considerations. A summary of the agreed matters is given below

National energy policy

2.5 The European Union's renewable energy directive sets a binding target of 20% final energy consumption from renewable sources by 2020. The Scottish Government remains committed to the delivery of at least the equivalent of 100% of Scotland's gross electricity consumption from renewables by 2020. (This relates to installed and not consented capacity and is not a cap).

2.6 The most relevant energy policy documents are agreed and are within the [core documents](#) list.

2.7 Energy, climate change and renewable energy policy are matters that should be afforded significant weight in the planning balance for this case. There is no dispute regarding the importance of climate change and the need to reduce carbon dioxide emissions. Clachaig Glen Wind Farm would make a valuable contribution to government targets for renewable energy.

National planning policy

2.8 The third National Planning Framework 3 ([CD 3.1](#)), published in June 2014, gives strategic support for renewable energy developments. It repeats Scottish Government ambitions for a reduction in greenhouse gas emissions and 100% of electricity consumption to be from renewables. It confirms that onshore wind will continue to make a significant contribution to energy supplies. It looks to Scottish Planning Policy ([CD 3.2](#)) to provide guidance for wind energy developments, recognising that the planning system plays a key role in delivering the National Planning Framework outcomes.

2.9 The most relevant paragraphs of the third National Planning Framework are:

- 1.2 - overall vision for Scotland and the four outcomes common to National Planning Framework 3 and Scottish planning Policy.
- 2.7 - development must facilitate adaptation to climate change and lower greenhouse gas emissions.
- 3.1 - planning has a key role to play in delivering on the commitments set out in Low Carbon Scotland.
- 3.7 – a planned approach to development has ensured that onshore wind energy development largely avoids Scotland’s internationally and nationally protected areas.
- 3.9 - continue to capitalise on Scotland's wind resource and be a world leader in offshore renewable energy. In time, the Scottish Government expect the pace of onshore wind energy development to be overtaken by a growing focus on significant marine energy opportunities including wind, wave and tidal energy.
- 3.23 - onshore wind will continue to make a significant contribution to diversification of energy supplies.
- 3.25 - economic opportunities are associated with a growing renewable energy sector, including job opportunities in rural areas.
- 4.4 – the important role that Scotland’s landscapes play in contributing to overall quality of life, national identity and the visitor economy.
- 4.7 - pressing nature of the challenge presented by climate change. A planned approach to development helps to strike the right balance between safeguarding assets which are irreplaceable, and facilitating change in a sustainable way.

2.10 Scottish Planning Policy, published in June 2014, is Scottish Government policy on how important land use planning issues should be addressed. This includes policies to help deliver the National Planning Framework. Scottish Planning Policy provides an approach to how the planning system can contribute to reducing greenhouse gas emission and address climate change targets. It also recognises the importance of protecting, enhancing and promoting access to natural heritage.

2.11 The most relevant paragraphs of Scottish Planning Policy are:

- 13 - four planning outcomes. In particular: Outcome 1: a successful, sustainable place with a growing low carbon economy; Outcome 2: a low

carbon place – reducing our carbon emissions and adapting to climate change; and Outcome 3: a natural resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

- 27 - presumption in favour of development that contributes to sustainable development.
- 28 - the aim is to achieve the right development in the right place; it is not to allow development at any cost.
- 29 - the guiding principles by which policies and decisions on planning applications should be guided in determining the extent to which a development contributes to sustainable development.
- 32 and 33 - the development management circumstances in which the presumption in favour of development that contributes to sustainable development becomes a significant material consideration.
- 161 to 166 - the Spatial Framework in Table 1 to help planning authorities prepare development plans and identify areas that are likely to be most appropriate for onshore wind farms. While the spatial framework is primarily for use as a development planning tool, it is also considered useful in a development management context. The approach to the preparation of spatial frameworks for onshore wind is explained in Table 1, which identifies:
 - Group 1: Areas where wind farms will not be acceptable;
 - Group 2: Areas of significant protection; and
 - Group 3: Areas with potential for wind farm development.
- 169 - the development management policy considerations that decision makers should apply when assessing applications for onshore wind energy development.

2.12 The Clachaig Glen wind farm site lies within Group 3 and Group 2 areas. The Group 2 areas are due to the presence of deep peat and carbon rich soil and the distance of the access (not turbines) from a settlement.

2.13 Scottish Planning Policy refers to the Scottish Government's control of woodland removal policy. This includes a presumption in favour of protecting woodland; permitting removal only where there would be significant additional public benefits.

2.14 Scottish Planning Policy introduced "*a presumption in favour of development that contributes to sustainable development*". It states that the "*aim is to achieve the right development in the right place; it is not to allow development at any cost*". Amongst the sustainable development policy principles listed are: giving due weight to net economic benefit; supporting delivery of infrastructure; protecting, supporting climate change; and, enhancing and promoting access to natural heritage, landscape and the wider environment.

Development plan

2.15 The local development plan policies which are relevant to the determination of the appeal are:

- LDP STRAT 1 - sustainable development;
- LDP DM1 - development within development management zones;

- LDP 6 - supporting the sustainable growth of renewables; and
- LDP 9 - development setting, layout and design.

2.16 Policy STRAT 1 sets out eleven principles that apply to all proposals, and therefore has some relevance. The following principles are of relevance to the Clachaig Glen wind farm proposal:

- d) maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint and increasing energy efficiency;
- h) conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;
- i) respect the landscape character of an area and the setting and character of settlements;
- j) avoid places with significant risk of flooding, tidal inundation, coastal erosion or ground conditions;
- k) avoid having significant adverse impacts on land, air and water environment.

2.17 Policy DM1 refers to 'development management zones' and the nature of development considered acceptable in each zone. None of the zones constrain the location of wind turbines. Therefore it is of limited relevance.

2.18 Policy LDP 9 would require a wind farm development to be sited and located to reflect its context and wider setting.

2.19 Policy LDP 6 is the main policy against which the proposal should be assessed. It supports renewable energy developments. This is where proposals are assessed as acceptable developments or not unacceptable, whether individually or cumulatively, when assessed against the same considerations as provided in Scottish Planning Policy paragraph 169.

2.20 Policy LDP6 also states the council's intention to produce a spatial framework as Supplementary Guidance. The following adopted and statutory supplementary guidance is relevant:

- Supplementary Guidance ([CD 4.7](#));
- Supplementary Guidance 2: Renewable Energy, December 2016 ([CD 4.8](#)); and,
- Supplementary Guidance 2: Wind Farm [Map 1](#) and [Map 2](#).

Other relevant guidance

2.21 In addition, to those policy documents already mentioned other guidance has been provided in the [core documents](#) list.

Main points for the appellant

National energy policy

2.22 There is a pressing need to address climate change and security of energy supply. The Scottish Climate Change Plan ([CD 2.1](#)) serves to reinforce that. Targets are increasingly challenging and there is now no subsidy or certainty on route to market for onshore wind. Scotland has more demanding targets than the UK, with 100% of electricity supply to come from renewables. The Scottish Energy Strategy has a target that by 2030 50% of energy for Scotland's heat, transport and electricity consumption is to be from renewables. It says electricity generation against current consumption could rise to over 140% by 2030 (compared to the current target of 100% by 2020). This would require 17 Gigawatts of installed capacity of renewable energy by 2030 compared to 9.5 Gigawatts in 2017.

2.23 The Scottish Onshore Wind Policy Statement indicates that onshore wind energy remains crucial to renewables targets. It is also recognised by Government policy that turbines will get larger. The Scottish Energy Strategy and Onshore Wind Policy Statement have materially strengthened the need case for onshore wind. There is a very clear change in the language used and they are demonstrably stronger than in the National Planning Framework. They represent a significant change.

2.24 The strengthening of language and more challenging targets increase the weight to be given to the need case. There is a considerable risk that targets will not be met if that is not the case. If greater weight is given to factors in support of a proposal (for example energy policy) that can result in a different outcome even when weight given to other matters (for example environmental factors) may not have changed.

2.25 In summary, the increased importance of onshore wind in relation to targets and meeting future energy needs should be afforded substantial weight.

National planning policy

2.26 The third National Planning Framework and Scottish Planning Policy sets out strong support for renewable energy and onshore wind.

2.27 Scottish Planning Policy introduces a presumption in favour of sustainable development. However, it is necessary to balance benefits against adverse effects. In undertaking that balancing exercise an important matter is the sustainability of wind energy development, which given the presumption in favour of development that contributes to sustainable development, tips the balance in favour of such proposals.

2.28 This presumption is engaged irrespective of the age of the development plan. The presumption has been found to be a very significant step and provides positive weight in favour of proposals over and above any support which may be found in the development plan. The 'primacy' of the development plan is separate from the application of the 'presumption' and provides significant weight in favour of sustainable development irrespective of the development plan position.

2.29 The proposed development would satisfy the principles set out at paragraph 29 of Scottish Planning Policy in relation to the presumption. It would assist in delivering Outcomes. The proposed development is consistent with sustainable development.

2.30 The considerations of paragraph 169 in Scottish Planning Policy show support for the proposal. The only matter in paragraph 169 that concerns the council is landscape and visual impact. This is significant for two reasons (i) it emphasises that a wide range of potential issues do not arise at all; confirming the inherent suitability of this location, and (ii) these are local issues and as such do not come within the Group 2 issues for the purpose of spatial frameworks. In Group 3 areas wind farms are likely to be acceptable subject to detailed consideration against the identified policy criteria. It is therefore highly material that the proposal is agreed to be treated as within a Group 3 area.

2.31 The strengthening of the need case for renewable energy must carry particular weight when considering sites within Scottish Planning Policy 'Group 3' areas. There is a very strong presumption for development within such areas. Whilst landscape and visual impact must be considered, it has to be considered in the context of policy support for wind farm development and the acceptance that this will inevitably result in significant landscape and visual impacts. The absence of any other constraints and the limited visual impact support the conclusion that this is the right development, in the right place.

Development plan

2.32 Policy LDP 6 is the main policy to assess wind farm proposals against. The proposal satisfies it and draws considerable support from it. The policy sets out a range of criteria which replicate those in Scottish Planning Policy paragraph 169 and overlap with a number of other policies in the local development plan. It is also possible for a development to accord on balance with provisions within LDP 6; despite some conflict arising against one or more of the criteria. Other policies referred to are of limited assistance. Locational considerations, environmental effects and the setting, layout and design of wind farms should be considered against policy LDP 6.

2.33 The council's own appraisal concludes that the proposal meets all but one of the criteria (landscape and visual impact). There is no basis for elevating landscape and visual considerations over other considerations. Some significant adverse landscape and visual effects are inevitable for this form of development. Merely identifying such impacts cannot lead to a conflict with the policy. The acceptability of impacts must be judged on the overall acceptability of the wind farm considering the full range of factors.

2.34 The council has failed to apply policy correctly when assessing that significant adverse effects upon its surroundings ought to be regarded as being inherently unsustainable. A decision maker cannot simply read over findings in an environmental statement as establishing a significant effect for the purposes of Policy LDP 6.

2.35 It is important to note the policy refers to there being “*no unacceptable significant adverse effects*”. The policy clearly accepts that there can be significant adverse effects. If there are such effects it is then necessary to consider whether those effects are unacceptable.

2.36 Policy LDP 3 was not relied upon in the reasons for refusal. It was inappropriate then to seek to rely upon Supplementary Guidance ENV 13 which provides additional detail to policy LDP 3. The council did not suggest that there is conflict with policy LDP 3. Therefore, it cannot be suggested there is conflict with the supporting Supplementary Guidance. If the policy had been omitted by mistake one would have expected this to have been addressed in the councils appeal documentation, but this was not done.

2.37 The council was in fact correct in not relying upon LDP 3. It provides that development will not be supported where it does not protect, conserve or where possible enhance the landscape. Given that it is accepted that all wind farm proposals will have significant adverse impacts upon landscape this sets a test that is inappropriate for assessing a wind farm. Supplementary Guidance LDP ENV 13 is supplementary to LDP 3. There are therefore difficulties in applying this policy in this case.

2.38 The policy provides that the council will resist development in, or affecting an Area of Panoramic Quality where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is demonstrated 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. It is therefore necessary to understand the reasons for the designation of the Area of Panoramic Quality. This is not known. The Area of Panoramic Quality is at best a local designation. It is clear from Scottish Planning Policy that such designations should not be an obstacle to this form of development given that they come within Group 3 of the spatial framework. The council has overstated the weight to give to this consideration.

2.39 The supplementary guidance requires landscape and visual effects to be balanced against the wider benefits arising from this proposal. In this case those benefits are not simply of community importance, they are also of national importance, and clearly outweigh impacts which might be found upon the Area of Panoramic Quality.

Other relevant guidance

2.40 The 2017 Argyll and Bute Landscape Wind Energy Capacity Study has not been adopted as statutory supplementary guidance. Although a material consideration, this significantly affects the weight that should be given to it by a decision maker.

2.41 The Landscape Wind Energy Capacity Study does not identify the capacity of an area in any meaningful sense. The definition adopted of “capacity” is the extent to which a landscape is able to accommodate development without significant adverse impacts. No account is taken of the need and policy support for wind energy development. If no account is taken of the need and policy

support for wind energy development it is accordingly inevitable that the capacity study will find there to be no real “capacity” for wind energy development in Argyll and Bute.

2.42 In reality it is a strategic study which provides guidance as to the relative sensitivity of the different areas. While it identifies constraints to development at a strategic scale, there is considerable variation across the landscape and a need to consider the landscape and visual effects of particular proposals at a more detailed level.

2.43 The Landscape Wind Energy Capacity Study goes far beyond its aims in its approach. This is clear from the ultimate finding that there is no scope for significant development despite the size of Argyll and Bute, the presence of large areas of Scottish Planning Policy Group 3 land and the absence of any policy designations protecting large areas within Argyll and Bute.

2.44 The Landscape Wind Energy Capacity Study takes no account of need and provides no more than guidance on the relative sensitivity of areas within Argyll and Bute. In this regard the important finding is that Landscape Character Type 6 (Upland Forest Moor Mosaic) is the least sensitive area within all of Argyll and Bute.

Main points for the council

National energy policy

2.45 National policy which is aimed at reaching and exceeding those targets provides the proposal with a qualified level of support.

2.46 A difference of opinion exists in relation to the Scottish Energy Strategy and the Onshore Wind Energy Policy Statement. These documents consolidate the position in Scotland. It is not considered that the documents represent a ‘step change’ in policy. The balance to be applied between achieving renewable energy targets and environmental protection has not been changed by these documents.

National planning policy

2.47 With regard to a presumption in favour of sustainable development, the issue of sustainability requires to be viewed in a broader context. While it is more sustainable to produce electricity from renewable sources, the natural environment also requires to be seen as a finite resource worthy of protection and conservation. Adverse landscape and visual impacts of onshore wind energy schemes also require to be viewed within the overall context of sustainability.

2.48 The caveats set out in the Scottish Planning Policy should be specifically considered in the overall planning balance. In relation to sustainable development the aim is to achieve the right development in the right place and it is not to allow development at any cost. The adverse impacts in terms of landscape and visual impact cannot be considered as ‘sustainable’. There can be no presumption in favour of renewable energy developments with significant adverse landscape and visual impacts.

2.49 Scottish Planning Policy says that wind farm developments in ‘Group 3’ areas with potential for wind farm development are likely to be acceptable, subject to detailed consideration against identified policy criteria (in paragraph 169). Such considerations guard against a wind farm which has significant adverse landscape and visual impacts.

2.50 Areas identified for wind farms should be suitable for use in perpetuity. This places an emphasis on the need to protect the natural environment for present and future generations. The fact that a consent is sought for 26 years for Clachaig Glen wind farm does not lessen the potential for adverse landscape and visual impacts in the long term.

Development plan

2.51 The development plan enjoys the primacy afforded to it by section 25 of the Town and Country Planning (Scotland) act 1997.

2.52 Local development plan policy LDP 6 and the spatial framework contained in Supplementary Guidance reflect Scottish Planning Policy.

2.53 Policy LDP 3, supporting the protection, conservation and enhancement of our environment, is also relevant. The policy states that:

“In all development management zones, Argyll and Bute Council will assess applications for planning permission with the aim of protecting, conserving and where possible enhancing the built, human and natural environment.”

2.54 The policy goes on to state that a development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design. It then states the mechanisms for delivery of that policy will be provided in Supplementary Guidance. This includes Supplementary Guidance Policy ENV 13 - Development Impact on Areas of Panoramic Quality. All parties agreed that Supplementary Guidance Policy ENV 13 is relevant to the determination of the appeal. Policy LDP 3 is expressly the parent policy of that Supplementary Guidance.

Other relevant guidance

2.56 In the reasons for refusal, the council relies upon the recommendations of the Landscape Wind Energy Capacity Study of 2017. That study revises and updates the earlier 2012 study (CD [4.4](#)). This was in response to changes in the baseline of operational, under construction and consented wind farms. It is also to reflect more up to date planning policy and guidance.

2.57 The Landscape Wind Energy Capacity Study provides the clearest and most appropriate guidance for developers seeking to build wind farms. Its usefulness in assisting decision makers in windfarm appeals has been affirmed in a number of appeal cases. Indeed, the 2012 study has been a substantive determining factor.

2.58 The Landscape Wind Energy Capacity Study informs both strategic planning for wind energy development and provides guidance on the appraisal of individual wind farm proposals. It is a sensitivity study with particular reference to a range of wind turbine types; up to and including turbines over 130 metres to blade tip. It is therefore more than an “inherent sensitivity study” as that term is understood in terms of the Guidelines on Landscape and Visual Assessment (3rd edition) ([CD 5.10](#)).

2.59 The Landscape Wind Energy Capacity Study establishes Landscape Character Types. The applicable type within which the turbines would be located is the Upland Forest Moor Mosaic. Its sensitivity to turbines, 80 to 130 metres and over 130 metres in height, is summarised as being high-medium. All other relevant landscape character types have high sensitivity.

2.60 The Landscape Wind Energy Capacity Study has been produced as a guide to sensitivity of landscape types and the capacity of the landscape to accept certain sizes of wind turbines. The question of need for renewable energy is irrelevant to that purpose. If the landscape has no further capacity to accept large wind turbines, then it does not follow that the need for such turbines should make any difference to that capacity. If there is none, then there is none. If large turbines have a substantial adverse effect on the landscape and on important views, then they will continue to do so, whatever the need for renewables might be.

2.61 The shift towards larger turbines may present challenges when identifying landscapes with the capacity to accommodate larger development, as not all will be suitable. The Scottish Government acknowledges the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts.

2.62 The Landscape Wind Energy Capacity Study is not overly conservative. It has taken account of existing windfarm developments, changes in policy and the trend towards use of larger turbine types. What it has then done is to assess the effect of those developments on the landscape as part of the updated baseline. It has then assessed where there might remain some capacity for further development. The Landscape Wind Energy Capacity Study does not conclude that no development whatsoever is possible. It concludes that there is limited scope to accommodate further large and very large turbines. This might restrict development to repowering or small extensions to existing projects.

2.63 Given the undoubted status of the Landscape Wind Energy Capacity Study, it would appear that the real complaint of the appellant is that the study does not provide them with the scope they desire to develop, rather than an inherently conservative approach within the study.

2.64 Other relevant guidance is the Scottish Natural Heritage guidance on Spatial Planning for Onshore Wind Turbines (2015) ([CD 5.15](#)).

Main points for West Kintyre Community Council

2.65 The proposal would make a significant contribution towards the cutting of greenhouse gases and the national targets set by the Scottish Government. However, the Community Council does not believe that the proposal is the right price to pay for reaching such targets. In addition, the Scottish Planning Policy identifies tourism as a key sector in Scotland and should be considered.

Reporters' conclusions

National energy policy

2.66 At the hearing and in closing submissions, there is no real dispute between parties regarding the current direction of national energy policy and the real need to reduce emissions to address climate change. We are in no doubt that there is policy support for appropriate renewable energy proposals in Scotland; where targets for renewables are more demanding than elsewhere in the UK. There was also agreement at the hearing that whilst Climate Change legislation in Scotland provides a context it does not change the framework for making decisions for this appeal.

2.67 By 2030 the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption is to be supplied from renewable sources. Furthermore, we agree that the Scottish Government's renewable energy targets are not suggested as a cap. Therefore there would be no harm, in principle, if the targets are exceeded.

2.68 We also find that onshore wind farms clearly have a part to play in the future energy mix in Scotland. There was no difference of opinion at the hearing between the appellant and the council that, if operational, the Clachaig Glen wind farm would make an important contribution to Scotland's targets for renewable energy.

2.69 We agree with the appellant that the policy support for renewable energy proposals, including wind farms should have consequences when considering the impacts of such projects. Any assessment of the environmental effects, including landscape and visual impacts, must continue to be considered in the energy policy context.

2.70 We also understood from parties at the hearing that proposals should be acceptable in overall environmental terms. We find no evidence that there is now less importance given to landscape and visual impacts for example. The differences in emphasis demonstrated between the council and the appellant would, in our view, have little effect in practice as there is no evidence that environmental considerations are now less important. That is clarified in the Scottish Government: Onshore Wind Policy Statement which highlights that *"...Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated"*. The Statement also acknowledges the need for balancing environmental protection with the ambitious renewable energy goals in Scotland.

2.71 In conclusion, we find that in the current policy context of support for renewables, Scottish Government policy still expects to find the right balance between the development of wind farms and environmental protection.

National planning policy

2.72 The National Planning Framework and Scottish Planning Policy are prepared in the context of the wider energy policy as explained above. Generally speaking, we find that they provide a supportive national planning policy framework for onshore wind farms. However, planning policy has not been reviewed in light of recent energy policy statements.

2.73 The appellant and the council have both raised the application of Scottish Planning Policy's presumption in favour of development that contributes to sustainable development. Paragraph 29 of Scottish Planning Policy sets out the principles which guide policies and decisions in order to implement the presumption. We find that the benefit of this presumption does not however automatically apply to every wind farm. It would not tip the balance in favour of all wind farm proposals.

2.74 We conclude that the presumption would specifically benefit a wind farm that was considered to be environmentally acceptable and consistent with the development plan. The principles set out in paragraph 29 of Scottish Planning Policy would likely then be satisfied. This is also based on our understanding of the wording of paragraph 32 of Scottish Planning Policy.

2.75 The presumption is a material consideration for all development proposals that would contribute to sustainable development, regardless of the age of the development plan. With regard to paragraph 33 of Scottish Planning Policy the Argyll and Bute Local Development Plan is not out of date. It was adopted in March 2015 and is less than 5 years old. Therefore, the presumption in favour of development that contributes to sustainable development is not a 'significant material consideration' for this case. Paragraph 33 is not engaged.

2.76 At the hearing the appellant agreed that a wind farm proposal may not be sustainable if not located in the right place. However, a wind farm with unacceptable environmental impacts would still require its impacts to be balanced against the benefits of the wind farm in terms policy considerations set out in paragraph 169 of Scottish Planning Policy.

2.77 We find that relevant detailed considerations when assessing a wind farm, are set out in paragraph 169 of Scottish Planning Policy.

2.78 We agree that the proposal is partly located in a Group 2 area as defined by Table 1 of the spatial framework within Scottish Planning Policy. This is because of the presence of deep peat and the distance of the access (not turbines) from a settlement. It is agreed by all parties that the proposal has addressed the requirements in relation to deep peat (see Chapter 7). Therefore, we agree that there is no spatial reason why a proposal would not be acceptable, subject to normal policy considerations as if the site was wholly within a Group 3 area.

2.79 Sites in a Group 3 area still require detailed site specific assessments to be carried out. We have found no evidence, in Scottish Planning Policy or elsewhere, to support the appellant's case that a strengthening of the need case for renewable energy must carry particular weight when considering sites within Scottish Planning Policy 'Group 3' areas.

2.80 We agree with the council that wind farm sites should be assessed as if a consent was to be given permanently. Scottish Planning Policy clarifies that for us at paragraph 170. This is because wind farms should be sited to ensure impacts are minimised including those with impacts on adjacent communities.

2.81 The council confirmed in submissions that the only policy considerations of paragraph 169 where there are unacceptable impacts are in relation to landscape and visual impacts (including the cumulative impacts of both). The appellant has also confirmed that these are the only policy considerations which require the Ministers attention. These impacts are considered in more detail in Chapter 3 of this report but we agree that these matters are key issues for this appeal. However, in providing advice to Ministers we must consider all other aspects of the development and we do so in our report.

Development plan

2.83 The local development plan contains policies that relate to specific development proposals. In the case of renewables it is policy LDP 6. This policy also has a specific focus on wind farms. The relevant considerations for a wind farm are set out in the policy. They mirror the considerations set out in paragraph 169 of Scottish Planning Policy.

2.84 Based on the wording of the policy, we agree with the appellant that the key test of policy LDP 6 is that there should be no unacceptable significant adverse impacts overall; once balancing the benefits and impacts has taken place. The policy test is therefore a matter of a judgement for the decision maker. We also agree with the appellant that this needs to be in the context of the inevitable impacts arising from commercial scale wind farms; which are often considered 'significant' for the purposes of Environmental Impact Assessment. We also note that landscape and visual considerations are given equal status with the other considerations in policy LDP 6.

2.85 Other local development plan policies may be relevant to an assessment. However, there is a need to avoid duplicating the considerations that are contained in both specific policies and general policies. As policy considerations in LDP 6 are specific to wind farms, there is no need to look elsewhere in the plan for policy considerations on topics covered in LDP 6. At the hearing, all parties agreed that LDP 6 was the lead policy for assessment of this proposal.

2.86 General policies of a development plan would apply to any development, including a wind farm. We agree with the council and the appellant that local development plan policies STRAT 1, DM 1 and DM 9 are all general policies. They are not specifically related to the development of a wind farm but could have some relevance.

2.87 We find that policy STRAT 1 does not add (to any significant extent) to the matters set out in policy LDP 6. Policy STRAT 1 is relevant by association, rather than a policy that requires a specific detailed assessment in its own right.

2.88 Policy LDP DM1 establishes acceptable scales of development in three different 'zones'. Looking at the local development plan proposals map, the proposed wind farm and access is located within the 'Rural Opportunity Area', 'Countryside Zone', and the 'Very Sensitive Countryside'. Where turbines would be located is within the Countryside Zone and (but mostly within) the Very Sensitive Countryside. In the Very Sensitive Countryside, only specific categories of development are supported. This however includes renewable energy related development. That being the case, and in the absence of any other policy advice, we find that policy LDP 6 would provide a decision maker with the policy framework for assessing a wind farm in Very Sensitive Countryside areas.

2.89 Our interpretation of policy LDP 9 is that it exists to guide the setting, design and layout of buildings. We do not find that such a general policy should be applied to the specific development type of commercial wind farms. This is of more importance when there is a specific renewables policy in place; policy LDP 6. We therefore conclude that LDP 9 is not a principle policy for the purposes of assessing a wind farm. It is clearly set out to guide the outcomes of more regular forms of building and construction activity.

2.90 The criteria set out in policy LDP 3 would have relevance to a wind farm. However, many of the considerations in the policy are already covered in policy LDP 6. One additional element is however of some contention in this case. That is the assessment of significant adverse effects, including cumulative effects, on the special qualities or integrity of locally designated natural and built environment sites. The local designation in question is an Area of Panoramic Quality.

2.91 Policy LDP 3 is listed as a policy which is relevant to the development in the Environmental Statement. Whether or not the council has omitted to refer to the policy in its reasons for refusal is, in our view, irrelevant. We must consider the extent to which it relates to the proposal in the context of the overarching renewables policy of LDP 6.

2.92 The matter of local designations is already highlighted in the Renewable Energy Supplementary Guidance. Therefore, an assessment on the impacts of on locally designated sites should be made in accordance with that. This includes the Areas of Panoramic Quality. We therefore find that Supplementary Guidance ENV 13 (regarding Areas of Panoramic Quality) should be considered.

2.93 Areas of Panoramic Quality are discussed in more detail in Chapter 3 of our report regarding landscape and visual impacts.

2.94 The spatial framework for wind farms set out in the council's Supplementary Guidance follows that outlined in Scottish Planning Policy. There is agreement that the Clachaig Glen wind farm should effectively be considered as within a Group 3 area; both for the purposes of the Supplementary Guidance and Scottish Planning Policy.

2.95 We find no evidence in Scottish Planning Policy which supports the appellant's assertion that local designations should not prove an obstacle to wind farm development within a Group 3 area. What Scottish Planning Policy says is that in such Group 3 areas wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. We conclude that this would also include local development plan policies. In this case, this would include local designations and Areas of Panoramic Quality in particular.

2.96 At the heart of the development plan policy considerations in this case there is a dispute between the council and the appellant as to whether the proposal complies with policy LDP 6. This is on landscape and visual impact grounds. Such disputes over planning policies are commonplace in planning appeals. However, there is agreement between the council and the appellant that the only matters where further assessment is necessary is the landscape and visual impacts (which includes cumulative impacts). We also find broad agreement that such impacts must be balanced against the benefits of the proposal (some of which may be of national importance) in order to reach a conclusion on the overall acceptability of the proposal.

2.97 We have not found any fundamental conflicts between Scottish Planning Policy and the policies of the Argyll and Bute Local Development Plan or its Supplementary Guidance. We also note that the council considers that the proposal does not comply overall with its own local development plan. This is evidence for Scottish Ministers to take into account.

Other relevant guidance

2.98 We agree with the parties that the 2017 Argyll and Bute Landscape Wind Energy Capacity Study is guidance and it is not part of the Development Plan. It is a material consideration in the assessment of wind farm proposals in the Argyll and Bute area. It has also been a factor in the determination of other wind farm appeals in Argyll and Bute.

2.99 We find that it is also discussed in the narrative of policy LDP 6 within the local development plan and in the council's Renewable Energy Supplementary Guidance. It is seen there as one of the documents that would help guide the development of renewables. The council's Supplementary Guidance indicates that the Landscape Wind Energy Capacity Study is a technical study and that it does not form part of the spatial framework for wind farms.

2.100 The Landscape Wind Energy Capacity Study does however indicate areas where landscape and cumulative issues may arise, and areas where capacity for additional wind turbine developments may exist. It is a strategic study, identifying broad landscape constraints and opportunities for a defined number of wind energy development scenarios. What such a study seeks to do is assess the sensitivity of landscapes to change arising from different scales of wind turbines. We agree with the council that it is therefore developed further than an "inherent sensitivity study", as understood in the Guidelines on Landscape and Visual Assessment (3rd edition). This is because it considers specific types and magnitudes of development.

2.101 Generally speaking, we understand landscape capacity studies to be helpful in identifying issues which a detailed landscape and visual impact assessment would then consider. However, individual applications need to be considered on a case-by-case basis with Environmental Impact Assessment providing more detailed information on landscape and visual issues.

2.102 We should not treat any findings of a landscape capacity study as if it was zoning areas for development. Boundaries of Landscape Character Types are broad and should not be regarded as precise. The kind of general assessment possible in such a landscape capacity study should be regarded as different to the detailed assessment for a specific wind farm proposal.

2.103 At the hearing both landscape witnesses agreed that the acceptability of a scheme should be based on a detailed, scheme specific, landscape and visual impact assessment.

2.105 The appellant argues that a landscape capacity study should take into account the need and policy support for wind energy development. We find that such studies are not generally regarded as policy documents but are expected to inform development plans. They primarily examine the sensitivity of landscapes to wind turbines. However, the 2009 Scottish Natural Heritage review of landscape capacity studies ([CD 5.6](#)) has noted that studies should have regard to 'planning needs' and consider how the outputs of a study would fit within existing Scottish Planning Policy and associated advice.

2.106 Finally, after reviewing the evidence and submissions, we also find that a number of other documents play a role in this case as guidance and advice. These include:

- Scottish Natural Heritage guidance on Spatial Planning for Onshore Wind Turbines (2015) ([CD 5.15](#));
- Scottish Natural Heritage 'Assessing the Cumulative Impact of Onshore Wind Energy Developments' (2012) ([CD 5.8](#));
- Scottish Natural Heritage 'Guidance on Siting and Design of Windfarms in the Landscape' (2014) ([CD 5.13](#)); and.
- Guidelines on Landscape and Visual Assessment (3rd edition) ([CD 5.10](#)).

Overall conclusions

2.107 There is strong support in national energy and planning policy for environmentally acceptable wind farms. There is agreement that the proposal would make an important contribution to the relevant targets. Whilst the new targets are a relevant consideration we find no basis for concluding that environmental considerations should now be attached reduced weight.

2.108 The presumption in favour of development that contributes to sustainable development does not apply to any wind farm. However, the presumption would apply to a wind farm that was environmentally acceptable overall. The overall aim of national planning policy is to facilitate environmentally acceptable renewable energy proposals with impacts balanced against benefits. There is agreement that the proposal is effectively located within a group 3 area.

2.109 The Argyll and Bute Local Development Plan is up to date and consistent with national energy and planning policy. The main relevant policy is policy LDP 6. Policy LDP 3 is also relevant in relation to any impact on the designated Area of Panoramic Quality. The key issue in dispute is landscape and visual impacts.

2.110 The Landscape Wind Energy Capacity Study is a relevant material consideration. However, it is not part of the spatial framework and it is no substitute for a proposal specific landscape and visual impact assessment.

CHAPTER 3: LANDSCAPE AND VISUAL IMPACT

Background

3.1 Findings of the appellant's landscape and visual impact assessment were reported in the Environmental Statement, Chapter 7, [Volume 2a](#), supported by figures and visualisations in [Volumes 2\(b\)](#) and 2(c) [Assessment Figures](#) / [Assessment Visualisations](#). A detailed methodology is included in Appendix 7 in [Volume 3](#) of the Environmental Statement. The appellant submitted an updated cumulative landscape and visual assessment ([ECG 1.10](#)) to take account of changes to the landscape and visual baseline. The locations of the viewpoints (Figure 7.7) and the Zone of Theoretical Visibility diagram (Figures 7.9a to 7.12) are set out in the Environmental Statement Volume 2c: Assessment figures.

3.2 Chapter 7 of the Environmental Statement, along with an Inquiry Report ([ECG 1.8](#)) are a key part of appellant's case. The council's case is set out (in part) in an Inquiry Report ([ABC 5](#)) and in a Committee Report ([ECG 2.1](#)). In addition, cases are supplemented by the precognitions of witness's (for the [Council](#), the [Appellant](#), the [Killean Applicant](#) and [West Kintyre Community Council](#)). The closing submissions make up the final part of their cases and is where many of the main points are made ([Council](#), [Appellant](#), [Killean Applicant](#) and [West Kintyre Community Council](#)).

Statement of Agreed Matters

3.3 The Statement of Agreed Matters, submitted by the appellant and council, sets out areas of agreement including matters relating to landscape and visual issues. These matters largely relate to agreements upon the methodology used. However, a number of points are worth summarising below.

- Theoretical visibility is worst case scenario as no intervening obstructions are considered and favourable weather expected. Actual potential visibility would be less than illustrated.
- Some significant landscape and/or visual effects are inevitable with wind farms. Significant effects for Environmental Impact Assessment are not, in themselves, an indication of the 'acceptability' of a wind farm.
- Most relevant effects on landscape character are on Landscape Character Types: Upland Forest Moor Mosaic; Rocky Mosaic; Coastal Plain; and, Coastal Parallel Ridges. Effects on other landscape character types do not require consideration.
- The proposal would not significantly affect any nationally designated landscapes. However, effects on the West Kintyre Area of Panoramic Quality do require to be considered.
- Six viewpoints would be subject to significant visual effects. These are viewpoints: 1 Kintyre Way; 2 North Muasdale; 6 recreational watercraft; 12 Gigha Ferry; 14 Gigha Pier; and, 15 Ardminish on Gigha.

3.4 After a recent review, the operational, under-construction and consented wind farms that are relevant when assessing cumulative effects are set out in Table 1.1 of the statement of agreed matters. The Institute of Environmental

Management and Assessment, Guidelines for Landscape and Visual Impact Assessment say that projects at 'scoping stage' are not sufficiently finalised to contribute to a cumulative assessment. That matter was agreed at the policy hearing. However, at the request of the council, the appellant has updated their cumulative assessment to include scoping sites within 15 kilometres of the proposal.

Main points for the appellant

Preliminary matters

3.5 It is common ground between the council and appellant that some significant landscape and/or visual effects are inevitable with a wind farm. They would extend some kilometres from a site.

3.6 Objections to this wind farm primarily relate to impacts on a limited number of views from the west. The council also presents this as a landscape impact.

3.7 The site is within an area identified as one of the most suitable for wind farm development in Argyll and Bute. This is in an area of low sensitivity to wind farms in respect of landscape value. The project minimises visibility from the A83, settled coast and designations. A forested location, with lower lying land behind the ridgeline separating the site from the coast, reduces the impact viewed from the west. West of the elevated central ridgeline of Kintyre, impact on the North Arran National Scenic Area is also reduced. The layout minimises landscape and visual effects. It ensures a cohesive, consistent visual composition from key viewpoints, particularly from the west.

3.8 It is notable that there was no response from Gigha Community Council and no objections from Gigha.

3.9 The council's reasons for refusal were unsupported by expert analysis. Their witness was unable to support some of their reasons. The council failed to consider Scottish Natural Heritage's observations properly. At the policy hearing the council said it relied heavily on Scottish Natural Heritage regarding the Area of Panoramic Quality. However, the council was unable to identify Scottish Natural Heritage's concerns about it. The council gives prominence to Scottish Natural Heritage advice despite conflicts with its own evidence. Scottish Natural Heritage suggest there would be a significant landscape effect on the Coastal Plain landscape character type. The council's witness says there would not be. Their witness says there would be significant effects on the Coastal Parallel Ridges landscape whereas Scottish Natural Heritage did not. Scottish Natural Heritage say there would be significant visual effects from viewpoints 3, 8, 10, and 21 and from the Islay ferry. However, it is agreed between appellant and council that there would not be significant visual effects from those locations.

3.10 The council say that Scottish Natural Heritage advice was unchanged despite the refusal of Creggan wind farm. However, Scottish Natural Heritage said their original response provided enough information to identify the consequences of the removal of Creggan.

Landscape effects

Strategic issues

3.11 It is significant that the Landscape Wind Energy Capacity Study of 2017 identified Upland Forest Moor Mosaic as one of the two least constrained areas in Argyll and Bute. The study recommends only limited scope for further wind farms and aims towards “minimising landscape, visual and cumulative effects”. The way to have as little impact as possible is to prevent development. That is what the study sets out to do. It does not find any scope for significant development even though large areas of land are Scottish Planning Policy Group 3 areas.

3.12 At paragraph 3.14 the Landscape Wind Energy Capacity Study sets out a number of considerations in support of protecting the most sensitive landscapes. The proposal would have no impact on any of them. The proposal accords with Landscape Wind Energy Capacity Study’s aim of directing wind farms away from the settled coastal and loch fringes.

3.13 The Landscape Wind Energy Capacity Study refers to an established pattern of wind farms associated with less sensitive uplands. This is an issue raised in the council’s reasons for refusal. The real issue is the actual impact of a proposal on the ground. It does not follow that the impact of a proposal would be acceptable simply because it follows a pattern.

3.14 It is clear that more recent proposals have not been located in the central area. Tangy, Auchadaduie, Blary Hill, Cour, Freasdail and Eascairt wind farms are not in the central area. This point is acknowledged in Landscape Wind Energy Capacity Study.

3.15 The proposed turbines would not be on the outer western edge of Upland Forest Moor Mosaic. They are approximately 1.75 to 3 kilometres inland and shielded by outer hills on the upland edge. The proposal is not on the edge hills. It is behind these hills. Where seen, the proposal would be viewed as part of the upland area. Its location, behind the outer hills, mitigates visual effects from the west. The proposal compares favourably with Auchadaduie which is closer to the ‘edge’ and is comparable with Blary Hill. An important trend of recently consented schemes is locating on the west side of the upland plateau. There have been good reasons for this with regard to potential impacts upon Arran.

3.16 Whilst Arran contains some of the most sensitive of landscapes, it is clear that Gigha and the surrounding seascapes do not. This is clear from paragraph 3.14 of the Landscape Wind Energy Capacity Study and the absence of policy protection for Gigha. Impact on Gigha is a new matter added to the 2017 study and it seeks to avoid intrusion on Gigha. This involves restricting development in the northern part of Upland Forest Moor Mosaic and avoiding development on higher more rugged hills. It is common ground that the proposal is not on higher more rugged hills. The proposal is in the southern half or centre of the Uplands. It cannot be sensibly described as within the northern part. The proposal accords with the guidance in the study to avoid intrusion on Gigha.

3.17 The Landscape Wind Energy Capacity Study sets out areas to avoid which include north of the Beinn Bhreac hills, the more prominent and higher hills summits, the coast between Skipness and Tarbert and areas which would intrude upon the B8001 in the east.

3.18 Unfortunately there are two hills called Beinn Bhreac in the area. The council's witness refers to the Beinn Bhreac which is the Killean wind farm viewpoint 5 which is about 5 kilometres to the south-east of the Clachaig Glen site (to the north-east of viewpoint 7). The council's witness argues that the proposal would be within the area to the north of Beinn Bhreac. Effectively that would avoid identifying the better areas within Upland Forest Moor Mosaic. The witness stated that there could be some scope for schemes not as high as Killean and located in a lower area associated with screening and set back more from the coastal edge. That is a good description of the Clachaig Glen site. Any fair interpretation of Landscape Wind Energy Capacity Study's guidance on development directs wind farms to the broad location of Clachaig Glen.

3.19 The Landscape Wind Energy Capacity Study provides for "*ongoing review of cumulative landscape and visual effects of multiple wind turbine developments will be necessary to ascertain when capacity is close to being reached*". Capacity at the point of writing the study could not have been close to being reached. If any other conclusion had been reached there would be no need or purpose of ongoing review of capacity. It is agreed that there has been no additional consents since the production of the 2017 Landscape Wind Energy Capacity Study. It follows that capacity is not close to being reached.

Upland Forest Moor Mosaic

3.20 There is a substantial difference between witnesses as to the physical extent and severity of landscape impacts. The council's evidence turns visual effects into landscape effects and over-states the case. The landscape effects are limited to what is expected from a wind farm.

3.21 Only within the Upland Forest Moor Mosaic did the Environmental Statement conclude that there would be significant effects and they would be within 2 kilometres of the site boundary.

3.22 The summary of sensitivity in the Landscape Wind Energy Capacity Study explains that the landscape has a simple land cover of extensive coniferous forestry and moorland, is sparsely settled, and already accommodates wind farms developments. The area is said to be difficult to access in places and visibility is recognised as restricted from roads and settlements although distant views are available from further afield. These are features which are usually associated with areas considered suitable for wind farms. The Landscape Wind Energy Capacity Study acknowledges that "*these key characteristics reduce sensitivity to large wind farm developments*". The Landscape Wind Energy Capacity Study notes that no landscape designations apply and concludes that landscape value sensitivity is low. At the Inquiry, the council's witness noted that the generally simple character made this landscape more compatible with wind farms.

3.23 The landscape value of Upland Forest Moor Mosaic is considered Medium in the Environmental Statement. This is as it is recognised in the Landscape Wind

Energy Capacity Study of 2012. The Environmental Statement concludes that the large scale nature of the landscape and the presence of numerous existing wind farms results in a Low susceptibility to change resulting in a Medium-Low sensitivity.

3.24 There is no explanation for the changes of approach or the sudden raising of concerns about impacts upon views from Gigha between the 2012 and 2017 studies.

3.25 The zone of theoretical visibility confirms theoretical visibility of the development is limited to the site and a relatively small area to the south-west (approximately 2 kilometres). The actual visibility would be even more restricted in practice because of forestry. Any extensive views of the development in this landscape character type is limited to the site of the existing Beinn an Tuirc wind farms. The turbines would result in a localised High magnitude of change and a significant effect. Beyond this the limited extent of visibility and the existing context of wind farms would result in a Low magnitude of change.

3.26 The council's written evidence appeared to suggest that there was a significant effect upon all or an extensive part of Upland Forest Moor Mosaic. At the Inquiry it was clarified that it was limited to an area within 3 to 4 kilometres of the site but that this was no more extensive than would be expected for a commercial wind farm. It was accepted that the presence of forestry would reduce visibility.

3.27 There is therefore in reality limited differences between the witnesses as to the physical extent of landscape impact on the Upland Forest Moor Mosaic.

3.28 The Environmental Statement takes into account wind farms as an existing characteristic of this landscape. The council's witness says this makes the landscape more sensitive to wind farms rather than less sensitive. However, in the Landscape Wind Energy Capacity Study the presence of wind farms is a characteristic that reduces sensitivity to wind farms and provided opportunity for additional wind farms.

3.29 The council's witness acknowledged that Upland Forest Moor Mosaic was the least sensitive landscape character type to wind farms in Argyll and Bute and that the area was of low sensitivity in respect of landscape value. This would suggest the area was less sensitive to wind farms. However, the council's witness argued that Argyll and Bute is special and much more scenic than other parts of Scotland. It is accepted Argyll and Bute is recognised by a number of national landscape designations. However, other parts of Argyll and Bute are not of comparable value.

3.30 The council's witness described smaller and more diverse features in the form of Loch na Naich, the ridge of Cruach Mhic an t-Saoir and the valleys accommodating Clachaig Burn and its tributaries. It was said that they would be dominated by the development. In fact some of these features are masked by dense commercial forest. The position of the council on these features is at odds with the approach taken in the Landscape Wind Energy Capacity Study. They are not dissimilar to the features seen in the Landscape Wind Energy Capacity Study

(third photograph on page 57) which provide an illustration of the area where wind farms are “key features”.

3.31 Viewpoint 1 demonstrates that the local features would not be dominated by the proposal. They would not be visible beyond the vicinity of the site and it was conceded at the Inquiry that this would remain a localised effect.

Rocky Mosaic

3.32 The council’s Inquiry Report claims an overall significant effect on the Rocky Mosaic. At the Inquiry it was confirmed that the significant effect was to some parts of Rocky Mosaic within 8 to 9 kilometres on the west side of the site.

3.33 A short section of the access route, along the existing haul road, goes through Rocky Mosaic from the junction with the A83 to the eastern boundary of the Rocky Mosaic. There would be a small direct landscape impact from localised loss of vegetation and upgrading the track. It was agreed at the Inquiry that effects would be localised and not perceptible beyond the immediate locality. It would not materially add to any finding in association with the impact of the turbines.

3.34 The Zone of Theoretical Visibility confirms that visibility of turbines in the Rocky Mosaic within 8 to 9 kilometres of the site is limited to small areas to the west and south-west of the site, and to small numbers of partially screened turbines. There would be no visibility from any area to the north of the site.

3.35 The council’s witness confirmed that the relevant viewpoints to consider are Clachaig Glen viewpoints 2, 8, 21 and viewpoint D of the Killean Environmental Statement.

3.36 Viewpoint 21 can immediately be excluded as it is almost 20 kilometres from the site and beyond the point at which the council’s witness considers a significant effect could occur. Viewpoint 2 is some 3 kilometres from the nearest turbine. It is accepted that this area is not representative of the Rocky Mosaic. The council’s witness conceded that there would be no significant effect at viewpoint 8 and from this viewpoint there would already be views of wind farms at Beinn an Tuirc, Blary Hill and Auchadaduie. All of which would be more prominent and have a considerably greater impact than Clachaig Glen.

3.37 Viewpoint D from the Killean Environmental statement, is the only location within the whole of the Rocky Mosaic within 10 kilometres of the site where it may be possible to see more than a glimpse of a small number of partially screened turbines. The Zone of Theoretical Visibility shows that any such theoretical views are limited to the very edge of the land in this difficult to access location. From viewpoint D turbines would be viewed as beyond the Rocky Mosaic. The point made by the council regarding the coast as nationally important for its geology (the raised beach) is not relevant to the landscape impact.

Coastal Plain

3.38 The area of hardstanding for the enlarged access to the west of the A83 falls within the Coastal Plain landscape character type. There would be a small direct impact on it. Visibility of the works would be very limited. The works would not give rise to a significant impact. The council's evidence did not support this part of the council's reasons for refusal (concerning impacts on Coastal Plain).

Coastal Parallel Ridges

3.39 The council's witness said there would be a significant landscape effect on the Coastal Parallel Ridges, the perception of naturalness and "being away from it all" on Gigha would be diminished due to the proximity of turbines. However, there are already four wind turbines on Gigha which would be experienced more closely. It was argued that people would perceive the Gigha turbines differently because they are a community project. However, this has nothing to do with landscape impact.

3.40 There is no location on Gigha where it may be possible to obtain a view of the Clachaig Glen turbines from which there are not already views of other turbines. The additional views of Clachaig Glen turbines are some distance away. They would not result in any material change in perception. In addition to wind turbines, Gigha has other modern infrastructure such as piers, buildings and a ferry terminal.

3.41 The proposal would be seen apart from Gigha. It is separated by the Sound of Gigha, the coastal fringe and hills beyond. The turbines are set back beyond these hills and clearly in a different place to Gigha.

Area of Panoramic Quality

3.42 The access proposed for the scheme does impinge on the Area of Panoramic Quality.

3.43 There is nothing which sets out why West Kintyre Area of Panoramic Quality was designated. The statement of importance of the Area of Panoramic Quality prepared by the council's witness is however a fair summary.

3.44 A 1981 working note ([ABC 8](#)), now largely of historic interest, shows that almost all of the Kintyre peninsula was the subject of some form of landscape designation with two exceptions. One of those exceptions covers much of the Clachaig Glen and Killeen sites. This provides further confirmation that they fall within the least sensitive areas within Kintyre. In contrast, all, or almost all, of the consented wind farm sites are within what were considered to be more sensitive areas. Gigha was not subject to any landscape designation and can be distinguished from the other islands which all had designations.

3.45 Scottish Natural Heritage Guidance on Local Landscape Designations ([CD 5.4](#)) highlights that they are about more than scenic quality. However, the Area of Panoramic Quality designation pre-dated this guidance. This was

accepted by the council's witness and initially accepted that the Area of Panoramic Quality designation had not looked at anything more than scenic value. However, it was claimed that the title was misleading and the reason for designation was not only concerned with scenic quality. This was even though there are no known reasons for designation.

3.46 In both 2012 and 2017 Landscape Wind Energy Capacity Studies the sensitivity assessment for 'Upland Forest Moor Mosaic' considered the reasons for the designation of the Area of Panoramic Quality in its consideration of landscape values and concluded that the designations were "likely to be designated for their diverse coastal scenery and views to Jura and Arran".

3.47 A number of points should be noted:

- suggested reasons for designation are limited to scenic value;
- only views outwards are identified as of any significance and there is no suggestion that views towards Kintyre are of significance;
- views of significance are towards Jura and Arran;
- no suggestion that Gigha is of any significance or relevance (whether that be views to or from Gigha); and,
- neither Clachaig Glen nor Killeen (whether alone or in combination) would have any impact upon any of these identified reasons for designation.

3.48 In the reasons for designation produced by the council's witness, the views referred to are all outward views towards the various islands and the proposals would not affect them. Even if the reasons for designation were correct there is no basis for suggesting that the proposal would have any impact upon any of them.

3.49 The council's witness argues that the special qualities which would be significantly affected are:

- the contrast between the small coastal edge and the simple forest and moorland of the Kintyre hills: and,
- a diminution in the setting of some recreational activities.

3.50 The contrast between the coastal edge and the Kintyre hills would remain and given the very limited Zone of Theoretical Visibility those enjoying any recreational activities within or near the designation would be barely aware of the wind turbines. The council's witness had to accept that the contrast between the coastal edge and hills would remain, but claimed it would change.

3.51 Our witness established that there would be no significant impact upon the Area of Panoramic Quality. There are some access works within the Area of Panoramic Quality. They would have no material effect on its character or visual amenity. The scenic quality of the Area of Panoramic Quality is defined by a small scale variable landscape pattern and strong connections to the sea. Inland views are generally restricted by steeply rising topography to the east further reinforcing the connection and orientation towards the sea and the principal outward focus of views. Potential visibility of the proposed turbines

would be very limited as the Zone of Theoretical Visibility demonstrates. Where a view of the development may be possible from limited locations in the designation it would be limited to a partial view of a limited number of turbines. They would occupy a very small and unimportant part of the view and have a limited influence on visual amenity. The proposal would not impinge upon the seaward views from Kintyre which are the primary focus.

3.52 There are no grounds for suggesting that the proposal would have any significant impact upon the Area of Panoramic Quality.

Visual effects

3.53 There is agreement that viewpoints 1, 2, 6, 12, 14, and 15 would be subject to a significant visual impact. With the exception of viewpoint 1, on the northern site boundary, the other viewpoints are west of the site and within 8-9 kilometres of it. There are extensive areas from which there would be no significant effect. Within 5 kilometres of the site only viewpoints 1 and 2 would provide a significant effect. Most of the area within 5 kilometres to the west of the site has very limited (if any) views of the proposal. There is no significant visual impact to the north, east or south. Significant visual effects are limited to an arc in the west at a distance of between about 6 to 9 kilometres (for example on Gigha).

3.54 The Environmental Statement only identifies two viewpoints, from North Muasdale (Viewpoint 2) and from Gigha (viewpoint 15) with significant effects that would be categorised as Major-moderate in terms of levels of effect.

3.55 There are no concerns with respect to any impact upon Arran or on national landscape designations or areas of Wild Land. There are no concerns regarding views from the A83, the B842 or the B8001.

3.56 The only issue raised for visual effects is impacts from Gigha and the Sound of Gigha. Turbines are set behind but not completely screened by intervening landform. It is accepted there would be some significant effects. They are no more than to be expected from a wind farm. Some clashing and stacking of turbines would be seen from some views. There is no policy designation that gives importance to these views. The important views are to the west towards Jura and Islay rather than to the east towards Clachaig Glen. It was conceded that views from Gigha are not of any greater importance than views from anywhere else in Kintyre.

3.57 Given that the turbines are within a Scottish Planning Policy Group 3 area, the visual impacts cannot provide a sound basis for resisting the development.

Cumulative landscape and visual effects

3.58 The council say the most significant issue is cumulative effects. That featured little in their reasons for refusal. It was not included in the summary of the reasons for refusal given in evidence. That suggests it was not considered to be an important point by the council, contrary to the council's case now.

3.59 A number of observations can be made about the council's evidence on cumulative impacts:

- other proposals would be more prominent;
- Clachaig Glen would contribute the least to cumulative impact;
- none of the proposals have precedence over Clachaig Glen;
- much of the cumulative impact is said to arise from Willow and Ronachan, but the council concluded at the policy hearing that little weight should be given to these (in scoping).

3.60 The council's closing case moves from Argyll and Bute as more scenic than other parts of Scotland to the proposition that the Kintyre peninsula is more sensitive to cumulative impact. This is not supported by evidence. It is contrary to the position set out in Landscape Wind Energy Capacity Study where the:

- presence of wind farms was a characteristic that reduced sensitivity to wind farm development and provided opportunity for additional wind farm development; and,
- need for "ongoing review of cumulative landscape and visual effects of multiple wind turbine developments to ascertain when capacity is close to being reached" means there is scope for more wind farm development and that Kintyre is not in some special position with respect to cumulative impact.

3.61 The council draws support from Chapters 5 and 7 of Guidelines for Landscape and Visual Impact Assessment. There is nothing in the guidance which addresses Kintyre or supports the argument that Argyll and Bute, or Kintyre, is "special".

3.62 The council submissions do not address the gap which it is claimed will be "infilled" by Clachaig Glen. It is clear from viewpoints to the west that there are no existing or consented wind farms which would appear to the north of Clachaig Glen. All the relevant wind farms are some distance to the south. There cannot be any question of Clachaig Glen "infilling".

3.63 The only relevant potential wind farm to the north of Clachaig Glen is Killean. There is a clear gap between Beinn an Tuirc and Clachaig Glen as a result of screening by intervening landform and a perceived gap between Killean and Clachaig Glen as a result of physical separation and a difference in scale.

3.64 Scottish Natural Heritage's concerns about cumulative impact related to the impact of Clachaig Glen with Creggan wind farm. Given the rejection of Creggan, that is no longer an issue.

3.65 Whilst there would be a degree of cumulative impact arising out of the proposal, the cumulative effects would not be appreciably different to those identified with respect to the proposal in isolation.

Main points for the council

Landscape effects

Strategic issues

3.66 The proposal is contrary to the Landscape Wind Energy Capacity Study (2017) because large turbines would be sited on the outer edges of the Kintyre uplands. The turbines would significantly increase landscape and visual impacts on the settled coastal edge of Kintyre and on views from Arran and Gigha. The established pattern of wind farm developments, largely associated with the less sensitive core of these uplands, would be eroded. It would represent an outlier with influence over the coast and have a disproportionate cumulative impact upon both landscape character and scenic quality.

3.67 Older wind farms tend to be less than one hundred metres high. This approach has limited significant effects on the small scale, settled and more diverse coastal fringes. The Tangy and Auchadaduie developments are exceptions. They are located closer to the coastal fringe. The recently consented Eascairt wind farm will also increase visual intrusion on sensitive coastal fringes.

3.68 Clachaig Glen would be similar to Tangy wind farm in terms of its position closer to the coastal edge. The location in the north-west would significantly affect views from Gigha and the Sound of Gigha.

3.69 The Landscape Wind Energy Capacity Study advises that the majority of the Kintyre peninsula should remain open with wind farms occupying lower sections of the ridge thus minimising the dominance of development. A 'Landscape with wind farms' (where wind farms comprise an incidental feature) is a more appropriate strategy for Kintyre. This is rather than a 'Wind Farm Landscape' (where wind farms form the main defining feature).

3.70 Scottish Natural Heritage guidance ([CD 5.15](#), page 13) suggests that in areas where multiple wind farms are already present, limiting the extent or height of additional turbines could limit landscape change. The aim for Kintyre should be to retain the overall character of the landscape and allow only development which does not change the landscape character to a significant extent.

Upland Forest Moor Mosaic

3.71 The Landscape Wind Energy Capacity Study says that the Upland Forest Moor Mosaic is not a landscape with capacity to accommodate large scale development without significant adverse impacts. It advises that remaining space in Upland Forest Moor Mosaic is constrained by its proximity to sensitive coasts. In particular, the area to the north of Beinn Bhreac is closer to the more sensitive northern part of Arran, and to Gigha and West Loch Tarbert. Turbines in the north of the peninsula would likely result in significant adverse effects on surrounding landscapes and seascapes. It also says that the narrow peninsula, and its relatively low relief (especially in the north), inhibits turbines greater than 150 metres. In many locations large turbines would significantly intrude on views from both Gigha. Viewpoints 14 and 15 show that. The proposals would also extend

effects and affect the 'space and cluster' pattern of existing wind farms in views from Arran.

3.72 The Landscape Wind Energy Capacity Study identifies the Upland Forest Moor Mosaic as 'high-medium' in sensitivity to turbines of 80 to 130 metres and over 130 metres in height. The council's witness considers this to be the case because while much of the Uplands has expansive scale and simple landform, there are some smaller and more diverse features on and near the development site. Such features include Loch na Naich, the craggy open ridge of Cruach Mhic an t-Saoir and the narrow valleys of Clachaig Burn and its tributaries (seen from viewpoint 1).

3.73 Although turbines of 80 to 130 metres would fit better with operational or consented turbines, there is very limited scope to accommodate this size of turbine. This is due to cumulative effects on the coastal fringes of Kintyre and on views from Arran and Gigha.

3.74 The Clachaig Glen wind farm does not comply with the Landscape Wind Energy Capacity Study as it advises that larger turbines should be set well back into the interior of the uplands to minimise impact on smaller scale settled coastal fringes. The size of turbines would dominate the smaller more complex edge hills on the western edge of the Uplands area.

3.75 Judgements made in the Environmental Statement appear to be based on wind farms being an existing characteristic of this landscape and an assumption that that would limit the magnitude of change of the proposal. The Environmental Statement fails to take into account cumulative effects of this proposal with operational, under-construction and consented wind farms on the landscape character of the site and its immediate context.

3.76 The magnitude of change related to the proposal would be large. Commercial forestry would be replaced by large wind turbines, access tracks and other ancillary development. This would dominate the scale of nearby diverse landforms and features.

3.77 The Upland Forest Moor Mosaic landscape is not insensitive, it is merely less sensitive than other landscape character types and there are still constraints where development may be possible within the Uplands.

Rocky Mosaic

3.78 The proposal lies close to the boundary of Rocky Mosaic. Indirect effects on it would be significant and adverse. This conclusion is drawn from the guidance of the Landscape Wind Energy Capacity Study and provides landscape and visual grounds for refusal.

3.79 Visibility would generally be restricted to a small number of partially screened turbines (viewpoint 8) or more distant views of all turbines (viewpoints 21 and 14). Viewpoint 2 is the exception as full and close views of the proposed wind farm would be possible. This viewpoint is located at the transition between Rocky Mosaic and Upland Forest Moor Mosaic. As such it does not fully display the characteristic scenic combination of the smaller scale and richly

diverse coastal fringes 'back-dropped' by simpler forested and moorland covered hills which is appreciated in views further west.

3.80 Visibility of turbines would exist from the westerly coastal areas on Kintyre. This affects Glenacardoch Point where the turbines would be located on slopes above the pronounced raised beach cliff and the south-westerly coast of Knapdale. Viewpoints 2, 8 and 21 are representative of the views possible.

3.81 Viewpoints 6, 14 and 15 from the Sound of Gigha and Gigha also look towards the Rocky Mosaic.

3.82 Where the wind farm is visible it will interrupt the presently undeveloped upland skyline which backdrops the north-western part of this small-scale and highly sensitive landscape character type. Overall, the magnitude of change would be medium, resulting in major-moderate, adverse and significant effects on Rocky Mosaic.

3.83 There would be some direct effects caused by the access and upgrading of the existing haul road off the A83 at Killean. Effects would be localised but the attractive character of the incised wooded area around Killean Burn is likely to be significantly and adversely affected by the proposal.

Coastal Plain

3.84 Coastal Plain forms a triangular flat area of farmland, woodland and moor extending west to Rhunahaorine Point and including Tayinloan and its ferry terminal. The proposal would directly affect part of this landscape at the site access, off the A83, where a vehicle overrun would be constructed. The magnitude of change would be small resulting in moderate, but not significant, adverse effects.

Coastal Parallel Ridges, Gigha and its coastal context

3.85 The Environmental Statement assessment is based on the very broad seascape units identified in the Scottish Natural Heritage Commissioned Report No 103. As this assessment comprised a desk-based strategic assessment of sensitivity and capacity for offshore wind energy development, it is not appropriate as a basis for the assessment of an onshore development affecting the more local coastal character of west Kintyre.

3.86 The Environmental Statement under-estimates effects on Gigha and its coastal context. Gigha lies around 3 kilometres from the Kintyre coast but in certain lighting conditions the mainland coast can feel very close. Gigha has natural character influenced by its sparse settlement. Being separate from the mainland influences the perception of seclusion.

3.87 Gigha is located on the edge of the Sound of Jura. Views to the west and north of Gigha are particularly dramatic. The narrow Sound of Gigha to the east, the small-scale mixed woodlands and farmland mosaic on lower hill slopes and the broader pattern of moorland and forested hills on the north-western part of the Kintyre peninsula contribute to the perception of a natural and little developed

coastal character. Wind farm development is already a feature of views from this coastal area although these have a relatively limited influence on character.

3.88 Viewpoints 12 (Sound of Gigha), 14 (South Pier, Gigha) and 15 (Ardminish Bay, Gigha) demonstrate the likely degree of visibility gained as more of the turbines are revealed further west. While the majority of the turbines would be visible, they would be partially screened by landform with approximately 5 turbines seen above hub height. At distances of around 8 kilometres moving turbines would be prominent. They would significantly increase the horizontal extent of wind farms, forming a long array with operational and consented developments of Blary Hill, Auchadaduie and Beinn an Tuirc.

3.89 The little developed and scenic character of this seascape (encompassing the west coast of Kintyre, the islands of Gigha and Cara and the Sound of Gigha) would be diminished. Although the sense of remoteness would still be likely to be experienced on Gigha (especially when looking towards the west over the sea and to the rugged hills of Islay and Jura) the perception of naturalness and 'being away from it all' would be diminished.

3.90 There would be a medium magnitude of change on the highly sensitive character of Gigha and its wider seascape context with the effect being major-moderate, adverse and significant.

3.91 The community turbines on Gigha do not provide a context for the views of the development. The four turbines on Gigha are a maximum of about 50 metres in height. They are not readily appreciated whilst on the island itself. There is a marked contrast with those community turbines and a commercial-scale development of 14 turbines of mostly 126.5 metres in height, on the western coastline of Kintyre. The influence on the perception of the Clachaig Glen turbines would be a totally different order of magnitude to that of the community turbines on Gigha.

Areas of Panoramic Quality

3.92 The council's reasons for refusal concluded that the proposal would impinge on sensitive coastal skylines which provide a setting for the coast which is characterised by a contrast between the land and sea. As such it would undermine the qualities and character of the West Kintyre Area of Panoramic Quality.

3.93 The council agrees with the reporter for the Kilchattan wind farm ([CD 7.30](#)) decision that the Area of Panoramic Quality designation is of regional importance and is a well-established designation. The designation should be regarded as an accolade. This is notwithstanding any formal statement of special qualities.

3.94 Special qualities for the West Kintyre Area of Panoramic Quality are set out in the Inquiry Report alongside a statement of importance (Appendix B). It was accepted by the appellant's witness to be a fair summary. The key special qualities comprise:

- the diverse patterned and settled small-scale coastal fringes which contrast with the simple forest and moorland covered backdrop of the Kintyre hills;

- views to the sea, the near-shore islands of Gigha and Cara and the more distant dramatic Jura and Islay hills from the coast;
- a rich cultural heritage including duns, churches and estate buildings;
- the diverse coastal edge which includes nationally important areas of raised beach landform and areas which are of international importance for birds;
- the setting this landscape provides for recreation and its popularity for walking, motor-touring and cycling, visiting beaches and sailing; and,
- the relatively little developed character of this coast which is enhanced by the proximity of the low craggy island of Gigha.

3.95 Guidelines for Landscape and Visual Impact Assessment paragraph 5.28 and Scottish Natural Heritage guidance on Siting and Design Windfarms, paragraph 3.12, say it is for a landscape and visual impact assessment to establish the quality of a valued landscape. Scottish Natural Heritage guidance also accepts that formal statements of local designations may not always be available.

3.96 Views inward from Gigha are also important to the special qualities of the Area of Panoramic Quality; not only the views outward from the mainland of West Kintyre.

3.97 The proposal is close to the Area of Panoramic Quality boundary. Turbines would be visible on prominent skylines above the coastal fringe; indirectly affecting the special qualities. These would be significant adverse impacts, including effects on the scenic contrast which occurs between the diverse patterned and settled small-scale coastal edge with the simple forest and moorland covered backdrop of the Kintyre hills (when looking both from within the Area of Panoramic Quality and towards it from the sea and Gigha). While the proposal is unlikely to reduce visitors using the Area of Panoramic Quality for recreation, the councils witness considers it would adversely affect the setting of some recreational activities. The proposal would not safeguard and enhance the local landscape designation as set out in Scottish Planning Policy.

3.98 The turning circle for the access arrangements would directly impinge on part of the Area of Panoramic Quality. This is illustrated by documents ([ECG 1.15](#)) and ([ECG 1.16](#)). This would affect the landscape fabric and the vicinity of the access.

Visual issues

3.99 The council's three reasons for refusal concluded that the height of proposal would be out of scale with its landscape context. The turbine size would not be in keeping with other wind farms. In addition, the size of the turbine would dominate the scale of the smaller more complex edge hills on the western edge of the upland area. The proposal would be highly visible, compared to other existing wind farms and would have significant visual effects from Gigha, the Gigha Ferry and the Sound of Gigha.

3.100 The development would also necessitate the formation of an extensive area to provide a means of access incorporating a turning area on the shoreside

of the A83, which in itself would constitute an intrusive form of development presenting adverse consequences for visual amenity.

3.101 The percentage increase in the Zone of Theoretical Visibility put forward by the appellant is of little assistance as a measure. Factors that influence visibility, are distance, horizontal and vertical extent of turbines, turbine size and siting. Also a photomontage does not show actual visibility, only a representation. There is no substitute for what is experienced in the field.

Views from the east coast

3.102 The council's witness did not consider that effects from the east (including Arran) would be significant due to the limited number and extent of turbines which would be visible. Views from Arran do not feature in the council's reasons for refusal.

Views from Gigha and Sound of Gigha

3.103 Turbines would be visible across much of Gigha and the Sound of Gigha. There would be clear visibility of the proposal on the approach to and from Gigha on the ferry and from recreational sailing craft in the Sound. Viewpoints 12, 14 and 15 demonstrate likely visibility.

3.104 Beinn an Tuirc I and II wind farms are clearly noticeable in the field at a distance of greater than 16 kilometres, comprising 62.5 metre and 100 metre high turbines. The photomontage of viewpoint 14 demonstrates how much larger the proposed turbines would be in relation to the Beinn an Tuirc I and II turbines.

3.105 The size of moving turbines would form a prominent feature. Although the majority of the turbines would be visible, they would be partially screened by the landform. Greater visibility is likely from more elevated viewpoints on Gigha, as shown in viewpoint 8 from the updated landscape and visual figures for Killean ([Figure 4.18b](#)). Major, adverse and significant effects would arise in views from the Sound of Gigha and affecting much of the island of Gigha.

3.106 A discrepancy between parties exists in relation to the assessment of impacts from viewpoint 15. It was assessed in the Environmental Statement as major-moderate in the 2016, this was downgraded to moderate in 2018, although still described as 'significant.' No explanation was provided for this, other than one of subjective judgement.

Views from West Kintyre

3.107 There would be limited visibility of the proposal from the 'Coastal Plain' around Tayinloan jetty and beaches around Rhunahaorine Point. The magnitude of change would be small due to the limited number and extent of turbines visible and their siting on a lower, less prominent part of the upland skyline. This would result in moderate adverse and not significant effects.

3.108 Viewpoint 2 (at North Muasdale) is acknowledged to be an important local walking route in the Environmental Statement, forming part of the Core Path network. Despite this, the Environmental Statement judges the sensitivity of

walkers to only be medium. That sensitivity should be high and effects very large resulting in substantial, significant and adverse effects on views and the experience of people who use this route.

3.109 Views from Glenacardoch Point on the west Kintyre coast, represented by Viewpoint D in the Killean Environmental Statement ([Volume 4](#), Figure 4.29) and viewpoint 8 of the Clachaig Glen Environmental Statement, would be significantly and adversely affected. Although the coast in this location is not readily accessible, it lies within 8.7 kilometres of the proposal. This coast features distinctive raised beach landforms and the proposal would significantly detract from these by dominating the backdrop of rolling hills above the raised beach cliff.

Views from Knapdale and the Islay ferry

3.110 Visibility from the south of Knapdale peninsula is likely to be restricted to open coastal locations due to extensive woodland present. Operational wind farms are seen in views from south-west Knapdale but are not prominent. Viewpoint 21 shows views from a rare open section of the B8204 where the proposal would be seen at 18.6 kilometres (Environmental Statement volume. 2c, Figure 21.1). More sustained open views of the proposal would be possible around Ardpatrik Point, commonly used by walkers. Turbines would be noticeable in good lighting conditions but effects are unlikely to be significant due to the limited vertical extent of turbines and distance to the turbines.

3.111 The proposal would be visible from the Islay ferry particularly in waters close to Gigha. Viewpoints 18 and 22 show views from the ferry. The proposal would contribute to a long array of turbines with the operational and consented wind farms of Beinn an Tuirc I and II, Blary Hill and Auchadaduie. This would contrast with the more clustered groups of Deucheran Hill and Cour. Due to the partial screening of turbines by landform and their distance, they are unlikely to be significant.

Effects on the Kintyre Way

3.112 The Carradale to Tayinloan section of the Kintyre Way (east to west across the peninsula) would be close to the proposal. Turbines would be prominent and overwhelm the scale of smaller landscape features in open areas. The sensitivity of receptors and the magnitude of effect is under-estimated in the Environmental Statement. The sensitivity of walkers should be high and the magnitude of change would be medium with visibility extending (intermittently) for some 5-6 kilometres over the route from Deucheran Hill westwards. Upgrading the existing haul road close to the wooded Killean Glen would also contribute to significant adverse impacts on walkers. Overall effects on this section of the route would be major-moderate, adverse and significant.

3.113 While there would be adverse effects on views where the route is aligned along the Rhunahaorine Point area, these would not be significant.

Cumulative landscape and visual effects

3.114 The council considers that the most significant impact is that of cumulative effects.

3.115 A fundamental difference in approach exists between landscape and visual evidence provided by the council's witness and Scottish Natural Heritage, and that provided by the appellant. The issue relates to the sensitivity of the landscape and the magnitude of change, especially in relation to cumulative landscape and visual effects.

3.116 The difference in findings regarding sensitivity of landscape types in the Landscape Wind Energy Capacity Study relate to the changes in the baseline with Freasdale, Blary Hill and Auchadaduie being added to the list of consented schemes and Beinn an Tuirc also being fully constructed since 2012. However, wind farms are not yet a key defining characteristic of this landscape. The changes in the baseline by the addition of windfarm developments have increased the sensitivity of Upland Forest Moor Mosaic (as it currently exists) to further development. Many of the key characteristics of Upland Forest Moor Mosaic have not fundamentally changed.

3.117 The Environmental Statement fails to consider incremental effects on the character of the landscape of further development. This is supported by Chapters 5 and 7 of Guidelines for Landscape and Visual Impact Assessment. The relevant assessment is of landscape susceptibility to change and the magnitude of change incurred by a proposed development. Paragraph 5.40 of the Guidelines makes it clear that susceptibility to change relates to the ability of a landscape to accommodate the proposed development without undue consequences for the maintenance of the baseline situation.

3.118 Paragraph 7.19 of the Guidelines is also important. It indicates that cumulative landscape effects may result from adding new types of change or from increasing or extending the effects of the main project when it is considered in isolation. When taken together with the effects of other schemes, the cumulative landscape effects may become more significant. The approach taken by the appellant results in the landscape and visual effects being understated.

3.119 According to the appellant's witness, the Scottish Natural Heritage observations which are critical of the Clachaig Glen scheme in relation to cumulative effects may be disregarded due to the refusal of the Creggan wind farm. However, it does not follow that Scottish Natural Heritage's concerns no longer exist. The follow-up consultation response of Scottish Natural Heritage took account of the Creggan decision, but the concerns expressed remained. This is readily apparent from viewpoints [14](#) and [15](#) of the Additional Environmental Information. The coalescence of views and lateral spread of windfarms seen to the north-west of the proposal from the sea and Gigha can readily be appreciated, even in the absence of the Creggan scheme. There is little space between currently consented and developed windfarms which the Clachaig Glen proposal would visually 'infill,' producing the long line and coalescent effect.

3.120 The appellant's witness acknowledged significant adverse effects created by the Clachaig Glen scheme as viewed from viewpoint 15. He also appeared to accept that viewpoints 14 and 15 highlight the elongation and concentration of views of the skyline of the Kintyre uplands when viewed from Gigha and that these were significant cumulative effects. It therefore appears from his evidence

that he in fact agrees with the assessment of Scottish Natural Heritage in that respect.

3.121 The proposal is contrary to the Landscape Wind Energy Capacity Study as gaps between present clusters of turbines are potentially filled. This is because views from Arran and Gigha would present a dominant, continuous and dense band of turbines seen on the skyline.

3.122 The proposal would contribute to significant landscape and visual cumulative effects with the proposed Killean, Willow and Ronachan wind farms from Gigha, the coastal fringe and wider seascape including the Sound of Gigha. They would appear as an extensive band of turbines stretching along the skyline of the hills which immediately contain the north-west coast of Kintyre. Visualisations from viewpoint 6 in the Killean Environmental Statement illustrate the type of effects which would be likely in views from Gigha ([Volume 4](#), Figures 4.16a).

3.123 This proposal would, in combination with the Killean wind farm proposal, incur significant cumulative effects on the Kintyre Way between Deucheran Hill and Killean. While the Clachaig Glen would be less prominent than the proposed Killean, Willow and Ronachan wind farms in views from Rhunahaorine Point, it would still contribute to significant adverse combined cumulative effects.

3.124 The Airigh and Cruach Chaorainn wind farm proposals located on the southern part of the Knapdale peninsula would, in combination with the Willow, Ronachan, Killean and this proposal, be likely to result in significant adverse sequential and simultaneous cumulative views from the Islay Ferry. Although this proposal would be less prominent than the Killean, Ronachan, Airigh and Willow proposals it would still contribute to the intensification of wind farm development seen from the ferry. Viewpoint 18 from the updated Clachaig Glen cumulative assessment shows this effect ([Figure 18.2](#)).

3.125 Significant adverse cumulative effects would arise from the Glenacardoch Point area (Volume 4, Viewpoint D) where the proposal and Killean wind farm would appear as a single development.

Consultation response of Scottish Natural Heritage

3.126 The advice of Scottish Natural Heritage is relied on by the council and is important advice for Ministers to consider. Following the refusal of nearby Creggan wind farm and approval of Blary Hill wind farm, Scottish Natural Heritage did not review its comments after consultation by the council.

Main points for Scottish Natural Heritage

Upland Forest Moor Mosaic

3.127 An increase in the influence of wind farms on the Upland Forest Moor Mosaic. Significant landscape effects close to the site. Turbine size is not in keeping with other wind farms. Based on cumulative scenarios and schemes at 'scoping', wind farms could become a dominant characteristic of an extensive area of the uplands.

Rocky Mosaic

3.128 Turbines would affect the skyline from Gigha, dominate smaller landscape features and pattern of small field and broadleaved woodlands on the hill slopes along the coast. Cumulative effects, notably with Creggan wind farm, increase the influence of wind farms.

Coastal Plain

3.129 Clachaig Glen wind farm is likely to detract from the scenic quality and panoramic views from the beach and Kintyre Way southward from Rhunahaorine Point to Tayinloan with significant localised landscape effects. Significant cumulative effects, most notably with Creggan, increase the influence of wind farms.

Visual effects, including cumulative

3.130 Although design has sought to minimise visibility from the west coast of Kintyre, it is present in views along the Kintyre Way and beach from Rhunahaorine Point southwards to Tayinloan, Clachaig Glen would increase the prominence of wind farms and result in significant visual effects from a range of places including:

- Gigha and the Gigha Ferry, represented by viewpoints 12, 14 and 15;
- the Sound of Gigha, represented by viewpoints 6, 12 and 18;
- the Kintyre Way/beach between Rhunahaorine Point (viewpoint 10) and Tayinloan (viewpoint 3);
- Kintyre Way near to site where views are open (as in viewpoint 1); and,
- Muasdale core path (viewpoint 2).

3.131 There would be 'borderline' significant visual effects from the Islay ferry routes beyond the Sound of Gigha as well as the Kilberry area of South Knapdale (as represented by viewpoint 21).

3.132 Significant cumulative effects would remain with Creggan and Beinn an Tuirc 3, and to a lesser extent with Blary Hill. The vertical and horizontal extent of development would create an exceptionally long run of wind farm development at varying scales along a large section of the peninsula. This would be seen offshore from the west, and from elevated areas of the North Arran National Scenic Area.

3.133 The visibility of wind farms on the West Kintyre coast (where Creggan and Clachaig Glen would be visible) would be increased. Creggan wind farm would be more prominent than Clachaig Glen.

3.134 Landscape, visual and cumulative effects are a step change for wind farms on Kintyre due to turbine size and changing pattern of development. A marked increase in visual effects of wind farms would be experienced from Gigha, Sound of Gigha, and the beach south of Rhunahaorine Point, on the Kintyre Way. In elevated areas of the North Arran National Scenic Area, Clachaig Glen would be

seen 'bridging the gap' between 'Creggan and Deucheran Hill' and would be potentially dominated by wind farm development. There would also be an impact on the appreciation and enjoyment of westerly views from elevated areas in the North Arran National Scenic Area.

Main points for West Kintyre Community Council and others

3.135 West Kintyre Community Council object to the proposal on the following key grounds:

- adverse visual and landscape effects, including on the seascape, Core Paths, Kintyre Way, Gigha, Knapdale peninsula and the surrounding area; and,
- cumulative effects with developments already operational, consented, under construction, at appeal or in scoping.

3.136 Turbine heights of 126.5 metres, located on the small edge hills on the outer western edge of the uplands of Kintyre, are significantly taller turbines when compared to other operational wind farms. They would increase the visual prominence of wind farms in Kintyre. The proposed turbines are sited closer to the western edge rather than within the interior of the peninsula. For those reasons the proposal is contrary to the Landscape Wind Energy Capacity Study.

3.137 South Knapdale Community Council say that Clachaig Glen turbines would be visible within the Knapdale Area of Panoramic Quality along five to six kilometres of the south-western coastline. They would be visible north of Kilberry round to, and to the north-east of, Loch Stornaway.

3.138 Other representations express concern that views from Knapdale, Ardminish, the A83, the Kintyre Way, Gigha, Gigha and Islay ferries and Arran would all be dominated by industrial scale wind farm development. The visual amenity of the Kintyre area, enjoyed by both residents of Kintyre and visitors alike, would be destroyed. The height of the turbines would lead to impacts on the scenic qualities of the area including on the Area of Panoramic Quality.

3.139 A key objection of West Kintyre Community Council is that the development would further extend the visual impact of turbines along the peninsula's skyline. There would be an unbroken line of turbines of varying heights stretching for many kilometres. Either on its own or in addition to Killeen wind farm, the cumulative effects would significantly change the visual appearance of the area to that of a wind farm landscape rather than a landscape with wind farms. This cumulative effect includes the wind farms of Tangy 1, 2, 3, Tangy 4 (a section 36 application to replace the Tangy 3 application), Deucheran Hill, Beinn an Tuirc 1, 2 and 3 (consented), Cour, Freasdail, Auchadaduie, Blary Hill (consented), Freasdail and Eascairt (consented) plus several more applications currently at scoping stages.

3.140 Those making representations also highlight that the capacity of the landscape is exhausted. Clachaig Glen wind farm is seen as a fundamental change in the location and scale of wind farms. Concern is expressed that Kintyre is in danger of becoming a place where every view would be dominated by turbines. The proposal would result in West Kintyre becoming a wind farm landscape, devastating for the lives and amenity of local residents.

3.141 South Knapdale Community Council is concerned that views southwards from the southern parts of its community, including from within the Knapdale Area of Panoramic Quality Area, would become dominated by a growing number of wind farms. This is a cumulative threat for north Kintyre, across West Loch Tarbert, and down the west coast. The appearance of the important and sensitive coastal landscape, when viewed from South Knapdale, would be a ribbon of wind farms down the length of Kintyre.

3.142 West Kintyre Community Council also highlight a precedent against further wind farm development set by the refusal of planning permission for a single turbine at North Beachmore, 1 kilometre east from the coastline, and the subsequent appeal being dismissed.

Reporters' conclusions

3.143 There are a number of matters which have been agreed by the appellant and the council. We agree that theoretical visibility is worst case scenario and that some significant landscape and visual effects are inevitable with commercial scale wind farms. We also agree that 'significant' effects for environmental impact assessment purposes do not, in themselves, indicate if a wind farm is acceptable or not.

Landscape effects

Strategic issues

3.144 There are a number of guidelines identified in the 2017 Landscape Wind Energy and Capacity Study which could have an influence on wind farm decisions in the Upland Forest Moor Mosaic Landscape character type. These are the:

- very limited scope for turbines of 80 to 130 metres in height;
- the need to fit with the established pattern and height of turbines;
- turbines should be set well back into the interior of the uplands away from smaller hills that provide a backdrop to coastal landscapes;
- avoid proximity to sensitive coastal areas;
- the 'high-medium' sensitivity of the landscape; and,
- northern parts of the uplands are more sensitive due to scenic views from the east and west (Arran and Gigha).

3.145 We have established the Landscape Wind Energy and Capacity Study is not policy but is a guide to the relative sensitivity of landscapes. The Landscape Wind Energy and Capacity Study does not provide a site specific level of assessment. In very broad terms we would accept that the proposal creates tensions with some of the suggested guidelines highlighted above. This is due to the location and size of the Clachaig Glen turbines. However, as the appellant has pointed out, it is the actual landscape, visual and cumulative impact of the Clachaig Glen proposal 'on the ground' which is the key consideration.

3.146 The recommended objectives set out in paragraphs 3.14 of the Landscape Wind Energy and Capacity Study can be summarised (in relation to the proposal site) as guarding against unacceptable impacts on:

- landscape designations;
- Arran and Gigha and surrounding seascapes; and,
- and on roads, recreation activity and settled coastal areas.

3.147 We note that the guidelines highlighted above are measures which aim to achieve these three objectives. After considering the landscape and visual impacts of the proposal we will return to these three objectives in our conclusions for this chapter.

3.148 While it is the case that a historic pattern could be described within the Upland Forest Moor Mosaic landscape character type, more recent developments have not followed that 'pattern'. It is agreed that these include Tangy, Auchadaduie and Eascairt wind farms. We therefore conclude that the pattern of operational or consented wind farms is not a coherent and consistent one. This is best illustrated in the topography map prepared by the applicant for Killeen wind farm ([KID 9.3](#)). As a consequence we consider that the need to fit with an establish pattern is not a useful guideline.

3.149 We find that there is no evidence to suggest that there would be any significant effects on national landscape designations.

3.150 Finally, based on the location and visibility of the turbines we agree that it is only the landscape character types of Upland Forest Moor Mosaic, Rocky Mosaic, Coastal Plain and Coastal Parallel Ridges that merit discussion in this report.

Upland Forest Moor Mosaic

3.151 We find general agreement that when considered alone, the landscape character of the Upland Forest Moor Mosaic is of simple character and not highly sensitive to wind farm development. This is reflected in the value of 'Low' being attributed to it by the 2017 Landscape Wind Energy and Capacity Study. The study does however identify overall sensitivity as 'High to Medium sensitivity.'

3.152 There is also agreement that the proposal would create significant landscape effects within a localised area of the site boundary. These are illustrated by viewpoints 1 and 2 and by the Zone of Theoretical Visibility in the Uplands.

3.153 We agree with the appellant that more extensive views of the turbines within the Uplands would be from around the proposal site and the Beinn an Tuirc wind farm (viewpoint 7, Figure VP7.4). The proposal would increase the visibility of wind turbines within the Upland Forest Moor Mosaic. Viewpoint 7 would likely be the worst case scenario throughout the landscape type. However, outwith the site and the area around Beinn an Tuirc, the magnitude of change on the Upland Forest Moor Mosaic would be low due to the extent of the proposal's visibility. This is shown by the appellant's Zone of Theoretical Visibility.

3.154 Based on our site visits and the evidence before us, we find that wind turbines are an existing characteristic of the landscape type. That is also the conclusion of the 2017 Landscape Wind Energy and Capacity Study. The addition of the Clachaig Glen scheme, on its own, would not however mean that wind turbines become the dominant characteristic throughout the Upland Forest Moor Mosaic. The response of Scottish Natural Heritage says that it is only other cumulative scenarios that could lead to that. At the Inquiry no witness said that Clachaig Glen turbines alone would change the landscape character to that of a windfarm landscape. This is evident when viewing Kintyre from viewpoint 20 on higher ground of Arran. The proposal would consolidate wind turbines as a characteristic of the uplands but the scale and extent of the turbines visible would not tip that balance when seen from the east with other operational wind farms.

3.155 Using the appellant's photomontages and based on our accompanied site inspections we do not agree with the council's witness that the small scale landscape features seen in viewpoint 1 (Figure VP 1.4) would be dominated by the wind turbines. In that view the turbines would not appear to be dramatically out of scale, surround or have an overbearing effect on Loch na Naich and the adjacent craggy open ridge. However, there is no doubt that there would be a substantial change to the landscape in that view.

3.156 The turbines would be a significant new feature in the landscape. However, viewpoint 2 (Figure VP 2.4) shows the scheme relatively contained within a valley setting when looking north east into the Upland Forest Moor Mosaic. There would be a substantial localised impact as reflected in the general conclusions of the Environmental Statement. A localised significant landscape impact would be inevitable with any commercial scale wind farm.

3.157 Finally, we find that the council's case regarding the Uplands is largely based on the Landscape and Wind Energy Capacity Study and what it says with regard to the Uplands. Their case also relates to the visibility and cumulative impacts of turbines beyond the Upland Forest Moor Mosaic landscape type.

Rocky Mosaic

3.158 Generally speaking, landscape effects on the Rocky Mosaic which are discussed by the parties are indirect impacts. We consider that visibility of turbines from within Rocky Mosaic would be restricted to a small number of turbines (in part) and from a very small number of locations (with the exception of around viewpoint 2 in North Muasdale). The turbines would generally be significantly screened from view by intervening land as seen in the photomontage for viewpoint 8 (Figure VP8.4) around Glenacardoch Point looking north west within the Rocky Mosaic.

3.159 As reflected in the Scottish Natural Heritage advice, and based on our conclusions reached from our site visits, it is views from Gigha and the Sound of Gigha where there are more pronounced indirect effects which could have landscape effects. This is because the Rocky Mosaic is seen in combination with the Uplands when viewed directly from the west. Parts of the turbines would be evident and interrupt the skyline. However, in these views (characterised by viewpoints 14 and 15, Figures VP 14.4 and VP 15.4) the turbines would be clearly seen in an upland area, behind the 'edge hills', and would not, in our view, have a

particularly dominant effect over the more sensitive Rocky Mosaic evident along the coastal fringes. Viewpoints 14 and 15 show the clear separation between the Uplands and the more sensitive Rocky Mosaic on the lower coastal slopes.

3.160 There would be direct effects on the Rocky Mosaic as a consequence of the upgrading of the existing forestry haul road at Killean. However, we find that the effects of road realignment would be very localised. While in the short term the impacts may be locally adverse, this would reduce once landscaping works and proposed tree planting had time to establish. This is a matter which could be managed and controlled through planning conditions.

3.161 We would therefore agree with the Environmental Statement that landscape impacts on the Rocky Mosaic would be relatively minor.

Coastal Plain

3.162 Scottish Natural Heritage advice suggests that any impacts on the Coastal Plain would be visual rather than landscape; related to outward scenic views rather than direct landscape impact. The council's witness did not consider that there were significant landscape effects on the Coastal Plain.

3.163 The only direct impacts would be at the site entrance in the form of a vehicle turning circle area into a field adjacent to the A83. We agree it would generate a very localised effect on the edge of the landscape character type. However, it would not be of a scale or have such wide visibility that it should be regarded with concern.

3.164 Notwithstanding that, it is a matter that has contributed to the councils reasons for refusal. Having visited the access, we agree with both witnesses that impacts on the landscape character of the Coastal Plain would not be significant. It would be better described as minor or negligible. The 'Minor' impact assessed in the Environmental Statement is therefore a fair assessment. The details of the access arrangements is also a matter which could be addressed by planning conditions to ensure that impacts are properly managed.

Coastal Parallel Ridges and Gigha.

3.165 For the purposes of assessing this proposal the extent of the Coastal Parallel Ridges landscape character type is the island of Gigha and the uninhabited island of Cara to the south.

3.166 Although the council and their witness has maintained that a significant effect would arise on the character of Gigha, the arguments put forward do not have direct relationships with landscape character. Gigha is some 3 kilometres across the sound of Gigha, and is around 8 kilometres from the proposed turbines. It is our conclusion that what is being expressed by the council and its witness relates to visual effects. It is clear from their responses that neither Scottish Natural Heritage nor West Kintyre Community Council consider impacts on Gigha (or Cara) to be a landscape matter.

3.167 We agree with the council that the use of Scottish Natural Heritage Commissioned Report No 103 on seascape was not appropriate as it relates

to offshore wind farms. However, we find that this limitation was acknowledged in the Environmental Statement Main Report (page 7-13 para 7.3.37) and does not alter our judgement that there is no significant landscape effects on the coastal parallel ridges and Gigha.

Areas of Panoramic Quality

3.168 Areas of Panoramic Quality are a local level designation identified in the local development plan. In common with previous reporters, we find that the designation is a long standing designation of regional importance to Argyll and Bute. They fall into the category of local landscape designations within Scottish Planning Policy.

3.169 The Mull of Kintyre and East Kintyre Areas of Panoramic Quality have no potential for significant effects arising from the Clachaig Glen proposal. It is agreed between the council and the appellant that the Knapdale Area of Panoramic Quality would also not be significantly affected. This is not the view of Knapdale Community Council. However, because of restricted views towards the turbines, the limited extent of the turbines visible and the distance from the Knapdale designation, we find no significant impacts of concern.

3.170 The West Kintyre Area of Panoramic Quality lies west of the proposal along some twenty five kilometres of the coastline (Volume 2c, Figure 7.4). Impacts on it did not feature as part of the Scottish Natural Heritage response. The appellant's Environmental Statement assesses the likely visual and landscape effects from the proposal on the Area of Panoramic Quality not to be significant. The council and the West Kintyre Community Council disagree.

3.171 The qualities of the designated areas or reasons for their designation do not exist in any published format. The Landscape Wind Energy Capacity Studies refer to the 'scenic quality' of these areas. We find no fundamental disagreement between the parties regarding the key qualities prepared for the Inquiry by the council's witness. They have not been formally adopted by the council. However, the council supported them at the Inquiry. We find that they act as a useful reference for the designation in the absence of published or adopted 'qualities'.

3.172 There is disagreement as to whether views from Gigha towards the mainland of Kintyre are a key feature of the designation as these did not feature in the list of key qualities.

3.173 Based on the evidence before us and our observations in the field, the West Kintyre Area of Panoramic Quality is a landscape designation based on the scenic quality of the designated landscape and what can be viewed from it, in particular out to the islands in the west. The designation does not follow landscape character type boundaries but has a clear relationship with the coast and scenic views out over Gigha and towards Islay and Jura. We conclude that it is impacts on what can be seen from within the designation and the impact on the landscape of the designation itself that should be our key concerns. In views from Gigha, it is the impact on the designated landscape which should be taken into account. This approach is narrower than that of the council who wish to address the impact on diverse patterned and settled small-scale coastal fringes which contrast with the simple forest and moorland covered backdrop of the Kintyre hills.

However, that could significantly extend the influence of the designation. We are not in a position to agree with this due to the lack of original reasons for the designation and the lack of evidence that views from Gigha are a key quality of the designation.

3.174 Using our earlier conclusions with regard to landscape impacts we do not consider that the Clachaig Glen proposal would have significant effects on the West Kintyre Area of Panoramic Quality. No views to the west would be impacted. The extent to which the turbines are visible from within the Area of Panoramic Quality is very limited. Our conclusions related to visual impacts from Glenacardoch Point and Rhunahaorine Point illustrate this. In views from Gigha the turbines would not dominate the landscape of the designated area. The visible parts of the turbines are set back behind the edge hills as show in photomontages for viewpoints in 12, 14 and 15 (Figures VP 12. 4, 14.4 and 15.4) The turbines would be some 2 kilometres from the boundary of the designation. There is clear separation between the designated coastal area and the higher ground behind which the turbines are seen.

3.175 The impacts of the access road and turning circle would be very localised and on a relatively small scale. Our view is that it would not be significantly detrimental to the Area of Panoramic Quality. There is also an added opportunity to manage the implementation of the road access arrangements with planning conditions.

Landscape conclusions

3.176 Our key conclusions in relation to landscape impacts are that we have found no adverse impacts on any national landscape designations and that significant landscape effects would be localised. Such localised effects would be inevitable for any commercial scale wind farm.

3.177 Knapdale Area of Panoramic Quality would not be significantly affected and there is a lack of evidence suggesting that views from Gigha are a key quality of the West Kintyre Area of Panoramic Quality. We find that there would be no unacceptable effects on the local landscape designation.

Visual effects

3.178 The council and the appellant have agree six viewpoints that would be subject to significant visual effects for the purposes of Environmental Impact Assessment. We have no reason to challenge that agreement. However, it is important to note that viewpoints provide a static representation of a limited view and not a full panorama as seen in the field. Wind farms are not simply experienced from particular viewpoints. We have considered them alongside our site inspections and our appreciation of wider views in the field in and around the Kintyre peninsula, including visits to Gigha and Arran. We are also of the view that some clashing and stacking of turbines would be inevitable from some views. The Scottish Natural Heritage guidance on Siting and Design Windfarms seeks to minimise the amount of clashing and stacking rather than eliminating it.

Knapdale and the Islay ferry

3.179 The witness for the appellant and for the council are in agreement that views of the proposed turbines from the Islay Ferry or the South Knapdale area would not be significant. Scottish Natural Heritage does not raise significant concerns about that.

3.180 We note that turbines would be visible from a small number of open locations in South Knapdale (for example from viewpoint 21, Figure VP 21.4). We observed that on our unaccompanied site inspections and driving south on the B8024 through Kilberry. On this journey, we noted that visibility would be restricted due to vegetation and general topography.

3.181 We do not agree with the South Knapdale Community Council position that the visibility of turbines alone is a significant matter. Due to partial screening by the existing land form on the peninsula, the height of the turbine parts which are visible, combined with a distance of over 15 kilometres, we conclude that the visual effects should not be regarded with significance for the purposes of Environmental Impact Assessment. This also applies to journeys on the Islay Ferry (viewpoints 18 and 22, Figures VP 18.4 and 22.4) and we agree with the council's and the appellant's witnesses that views from the ferry are not harmful.

Gigha and Sound of Gigha

3.182 We agree that views of the Clachaig Glen turbines from the sound of Gigha and on Gigha would be of significance. There is broad agreement that the photomontages for viewpoints 6, 12, 14 and 15 have demonstrated that (Figures VP 6.4, 12.4, 14.4 and 15.4). In these views we find that the concern of Scottish Natural Heritage is largely one related to cumulative impacts (which we deal with later).

3.183 We note the Scottish Natural Heritage comments on the height difference in comparison with other existing turbines. However, we are of the view that relative height, in itself, would not be a reason for dismissing the proposal. It is the nature of the visual impact generated by the height of any turbines which should be the determining matter.

3.184 The blade tips and in some cases the hubs of turbines would be visible from Gigha and from its Sound. We acknowledge that they would be seen in closer proximity than other operational or consented wind farm on Kintyre. Not all turbines, nor their full extent, would be visible as the edge hills would mask them. Based on the photomontages from viewpoints 14 and 15, the visibility of turbines, while significant for the purposes of Environmental Impact Assessment, would not be of a size that would dominate the scale of the overall landscape context of Kintyre. Given the level of masking by the existing landform and the inevitability of visual impacts from a commercial wind farm we conclude that the turbines would not be 'highly' visible as described by the council. The landscape would remain the primary focus for those looking west. A very broad panorama is viewed and the turbines would occupy a small portion of that outlook.

3.185 For these reasons we conclude that these effects should not be regarded as unacceptable. We do however agree with the council that the community

turbines on Gigha do not provide a context for the views of the development. We were not readily aware of the turbines while travelling through the island unless in close proximity to them.

West Kintyre

3.186 It is acknowledged in evidence and from a review of the Zone of Theoretical Visibility that there would be very little visibility of Clachaig Glen turbines from the western area of mainland Kintyre.

3.187 In the south (at viewpoint 25, Figure 25.4) turbines would be visible but over such a long distance that they would not be visually significant. In the north (shown in viewpoint 19 Figure 19.4) the limited visibility would be of a small number of turbine tips at a distance of over 15 kilometres. Views from the A83 would be negligible, as shown in viewpoints 4, 5, 9 and 30 (Figures VP 4.4, 5.4, 9.4 and 30.4), and from the Zone of Theoretical Visibility mapping (Figure 7.9a).

3.188 Along with Rhunahaorine point (considered below), Scottish Natural Heritage has concerns with views from the Muasdale Core Path near viewpoint 2. The appellant accepts significant effects around the area of viewpoint 2 and both witnesses have agreed that visual impacts would be significant for the purposes of environmental impact assessment.

3.189 The majority of turbines would be visible from viewpoint 2 and in reasonable close proximity (at around 2 kilometres). If walking from the west, once visibility is gained above the lower coastal areas, the turbines would be in view for a distance of around 2 to 3 kilometres inland. In these views the scheme would appear to be a compact wind farm which is in part screened by the topography and framed by the 'edge hills' to the north east (Cnoc Odar), the interior hills to the east and valley sides to the south east (Cruach Muasdale and Cnoc na Seilg). Expansive horizontal views of the turbines would not be gained due to the relatively compact nature of the proposal in this view. As a consequence we conclude that the turbines would not be over-whelming over the existing views when walking on the Core Path. Nevertheless, this is a walking location where substantial views of the turbines would be observed. A new and prominent visual focus would be created. However, we do not agree that the Environmental Statement has underestimated visual impact. Given that the Core Path is of local importance we are content that a sensitivity of 'medium' is appropriate for those walking the route. An overall assessment of 'major /moderate' significance is an appropriate conclusion to reach.

3.190 We heard from the West Kintyre Community Council at the Inquiry that Glenacardoch Point is not frequently accessed. The council did not consider the visual impacts from the point to be of such significance to feature in their reasons for refusal. Although there would be visual effects, given that only a small number of blades and blade tips would be visible, we agree with the Environmental Statement that the visual impact would be minor in nature. The visible turbines would not be dominant in views. The existing landform would remain as the principal feature. In addition, views from the Glenacardoch Point are not a concern for Scottish Natural Heritage.

3.191 The impacts on the visual component of residential amenity in the Muasdale area is considered in Chapter 4 of this Report.

East Kintyre and Arran

3.192 The wind farm would not be visible from the east of Kintyre along the B842. Turbines would be visible along the west coast of Arran. However, on Arran's coastal road (the A841) one to three Clachaig Glen turbines tips would be visible in periods of very good visibility. It is from more elevated areas within the Arran hills (for example around viewpoint 20, Figure VP 20.4) that visibility of more Clachaig Glen turbines would be gained.

3.193 The witnesses agreed that the visual effects from elevated positions on Arran (like viewpoint 20) would not be significant. We agree with that due to the distance involved, intervening topography and limited horizontal extent of turbines in view. Clachaig Glen would not be a significant visual feature on the peninsula when viewed from Arran hills. This was a matter confirmed during an unaccompanied site inspection to viewpoint 20, Beinn Bharrain.

Kintyre Way

3.194 The visibility of turbines along the Kintyre Way did not feature in the council's reason for refusal. It is however a concern for the Community Council and those making representations. The concerns of Scottish Natural Heritage are limited to the impacts on the Kintyre Way around Rhunahaorine Point.

3.195 The Zone of Theoretical Visibility, taken together with viewpoints 1, 3 and 10, indicate that the only parts of the Kintyre Way where substantial views of turbines would be observed is near the site within the Uplands (Figures 7.10, VP 1.4, 3.4 and VP 10).

3.196 The view appreciated around Rhunahaorine Point is illustrated in viewpoint 10. Views would be limited to the tips of the turbines over a short distance. The council's witness has stated that visual impacts would not be significant and we would agree with that assessment.

3.197 As depicted in the photomontage for viewpoint 1, the turbines would be prominent in the Uplands. However, after visiting the site and using the visualisations, we do not agree with the council's witness that the turbines would overwhelm parts of the route from Deucheran Hill to Killeen. While we agree that the sensitivity of walkers on the Kintyre Way route should be regarded as 'High' and that for the purposes of the Environmental Impact Assessment the visual impacts would be significant, views of the turbines would be intermittent over this part of the route. Turbines would not be in full view and would be masked by the landform in the foreground. In addition, it is already acknowledged that wind turbines are a characteristic of the upland landscape.

Visual impact conclusions

3.198 We conclude that the Environmental Statement has identified the viewpoints of significance in terms of visual change. We do not find that the

extent and scale of visual impact predicted from the scheme should be considered unacceptable or unexpected for a commercial scale wind farm.

Cumulative landscape and visual effects

3.199 Based on the evidence, the cumulative issues disputed are in three main areas. First, is cumulative impact upon the host landscape character type, the Upland Forest Moor Mosaic. Second, is cumulative visual impact in views from the West, including Gigha. Third, is cumulative visual impact on views from Arran in the east.

3.200 There is general agreement that wind farms form part of the characteristics of the Upland Forest Moor Mosaic landscape. We find that this is more pronounced in the southern half of the Kintyre peninsula. However, in the south there are still gaps and spaces between wind farms together with the relatively small scale of the operational turbines. Developments have been more limited in the northern part of the Uplands. We do not find that the witnesses disagreed to any great extent on these matters. We do however find that Clachaig Glen would not infill a specific and clear 'gap' in relation to developments to the north when considering existing or consented wind farms to the north of Clachaig Glen.

3.201 The proposal would increase the incremental impact that has occurred in the landscape character type, including the recent Cour and Freasdail wind farms to the North. We also agree with the council's witness that the level of wind turbines in the landscape type would mean that the landscape becomes more sensitive to change in relation to incremental changes towards a wind farm landscape. The Environmental Statement (as updated) acknowledges the intensification of the landscape with wind farm character but concludes that Clachaig Glen does not significantly increase the visibility of turbines within the landscape character type.

3.202 Our assessment is that the addition of Clachaig Glen would not establish wind farms as the dominant landscape characteristic for the landscape character type. In combination with other operational, consented and proposals in scoping, we agree with Scottish Natural Heritage that a cumulative impact would be observed that could be at the point of dominance (as shown in the Killeen updated landscape and visual [figures](#), Figure 4.18b, wireline drawing). However, as discussed above, proposals such as Willow and Ronachan should not be considered in relation to cumulative impacts as they are not beyond the scoping stage. Wind farms would not reach the point where they would be the dominant landscape feature simply through the addition of the Clachaig Glen scheme alone to the agreed baseline.

3.203 As noted by Scottish Natural Heritage, and as illustrated in the revised cumulative wireframes (in viewpoint 7, [Figure 7b](#)), the refusal of Creggan wind farm has significantly reduced the cumulative impacts within the Uplands. Clear space and landscape buffers are evident between Blary Hill and Clachaig Glen at a distance of over 3.5 kilometres.

3.204 The horizontal visual effect from Gigha is the council's main concern which is highlighted in closing submissions. The concerns of Scottish Natural Heritage in these views are principally with Clachaig Glen in combination with the refused

Creggan wind farm. In the absence of Creggan wind farm, the perception of a long run of turbines is significantly reduced due to the difference in scale between the Clachaig Glen and Beinn an Tuirc turbines and the distance over which these would be seen from Gigha and the Sound of Gigha. The scale of the more distant turbines (at over 10 kilometres) would not be prominent in views. It is likely that visibility of the Beinn an Tuirc turbines would be limited to days with very good visibility. This is evident from viewpoints 14 and 15, the associated photomontages and our own observations in the field. The landform would also appear to significantly screen the turbines groupings of the Beinn and Tuirc phases and the Blary Hill scheme when they are viewed from Gigha (viewpoints 14 and 15).

3.205 Clachaig Glen, in combination with Killean wind farm, would contribute to a visual impression of a longer horizontal array of turbines and for a significantly greater portion of the panorama enjoyed from Gigha. The negative cumulative visual impacts which would arise from the addition of the Killean project would however be largely attributed to the Killean scheme itself. This is discussed further in our separate report on the Killean wind farm.

3.206 On the west of mainland Kintyre the concern of Scottish Natural Heritage was the visual combination of Creggan wind farm and Clachaig Glen in occasional views along the coast. However, the refusal of Creggan (the more prominent wind farm) has removed that concern. This can be seen when comparing the original and updated wire frames for viewpoint 8 at Glenacardoch.

3.207 In views from the east, it is only at height within the Arran hills that Clachaig Glen would be visible with other wind farms. The extent of that visibility would be limited to the tops of turbines or blade tips at a distance of over 16 kilometres. Clear spacing is evident between Blary Hill and Clachaig Glen (with the absence of Creggan). Deucheran wind farm would be visually seen with Clachaig Glen in the background to the south. Although there is a difference in turbine size between these wind farms, because Clachaig Glen is set further back to the west on lower ground, the size difference would not be clearly perceptible nor provide for a complex or over distracting visual impact. There is clear spacing northwards before the operational Cour turbines (when the proposed Willow wind farm is not considered). Having visited viewpoint 20 on Beinn Bharrain, it is our conclusion that the cumulative visual impacts are not significantly changed with the additional of Clachaig Glen when viewed from the Arran Hills (Figure VP20.4).

3.208 We have not considered the effects of the cumulative impact with Ronachan, Willow or High constellation as projects at 'scoping stage should not form part of the baseline. They are not part of the agreed base line between the council and the appellant. Any consideration of these projects in the future would be treated on their own merits and we note that they have to date not progressed from scoping.

Cumulative landscape and visual conclusions

3.209 The baseline for environmental assessment has changed since the application was submitted. The refusal of Creggan wind farm, for example, has significantly reduced the cumulative impacts of Clachaig Glen. In addition, projects in scoping should be removed from the cumulative baseline. As a

consequence we find that Clachaig Glen would not infill a specific ‘gap’ in the north of the peninsula. When considering existing or consented wind farms Clachaig Glen would not establish wind farms as the dominant landscape characteristic in the uplands. The cumulative visual impacts of concern relate to the additional contribution that the Killean wind farm makes.

Other matters

3.210 The West Kintyre Community Council highlight that an appeal decision at North Beachmore, 1 kilometre east from the coastline, is a precedent. Having read the decision notice, we understand that the proposal for a single turbine was in a different location on the ‘edge hills’, with a high level of visibility, together with a range of other planning constraints associated with it. We find that it is not a case that it is directly comparable with the Clachaig Glen proposal.

Overall conclusions

3.211 We conclude overall that significant landscape and visual impacts (including cumulative) would arise in a limited number of areas, and primarily within 2 to 3 kilometres of the site or on Gigha. No landscape designations would experience unacceptable effects. Where significant visual impacts would arise (for example on Gigha), they are not of such a scale or dominance that they should be considered unacceptable for a commercial scale wind farm. The scheme design, height of turbines and choice of site has sought to minimise visibility from the west coast and from the east, including from Arran. We also find that the design of the wind farm has illustrated broad compliance with Scottish Natural Heritage guidance.

3.212 Additional cumulative impacts would result from the construction of Clachaig Glen. However, these would be relatively limited and would not result in turbines becoming the defining characteristic of the landscape type or lead to a ‘wind farm landscape’ in the Uplands of Kintyre. The scheme therefore adheres to an aspiration of the 2017 Landscape Wind Energy Capacity Study and the overarching guidance of Scottish Natural Heritage, not to change the landscape character to a significant extent.

3.213 Cumulative impacts would only be a significant concern if the Killean wind farm were to be consented, contrary to the recommendation in our separate report.

3.214 Finally, we return to the three relevant objectives of the Landscape Wind Energy Capacity Study. Our assessment has shown us that a limited number of significant visual landscape impacts are identified for the purposes of Environmental Impact Assessment. We conclude that they would not give rise to unacceptable impacts on landscape designations or in views from Arran, Gigha and surrounding seascapes or from roads, recreation activity and the settled coastal areas. Therefore, the proposal would be complimentary to the Landscape Wind Energy Capacity Study objectives even though it does not follow all of its suggested guidelines.

CHAPTER 4: ECONOMIC BENEFIT, TOURISM AND RECREATION

Background

4.1 Chapter 13 of the Environmental Statement contains a socio-economic assessment of the construction, operation and decommissioning of the Clachaig Glen wind farm. It also considers impacts on tourism and recreation.

4.2 Matters relating to net economic benefit, local socio-economic impact, and impacts on recreation and access routes (including the impacts on tourism and recreation) are all matters that should be considered in the planning balance as far as local development plan policy LDP 6 is concerned. This is also the case in relation to Scottish Planning Policy.

4.3 Within the Statement of Agreed Matters the council and the appellant agree that the proposal is acceptable in relation to tourism and recreational impacts.

4.4 This chapter should also be read in conjunction with the previous chapter regarding landscape and visual effects.

Main points for the appellant

Economic benefit

4.5 The appellant intends to establish a community fund. The resultant socio-economic impact on the local economy is assessed in the Environmental Statement as having minor beneficial effects. The Environmental Statement also indicates that the primary positive economic and job impacts of the proposal relate to the construction phase (up to 118 temporary jobs). A negligible impact is predicted on the local jobs market during the operation of the wind farm.

4.6 In addition, a community share offer is in development. We heard from the appellant at the hearing on that matter. If planning permission is granted the appellant would advance this opportunity for the community to invest in the wind farm; up to 49% of the development ([ECG 3.3](#)). This would involve one or more community organisations coming together to invest in the development and have an equity stake.

Tourism, recreation and access

4.7 There is no conclusive research evidence that a wind farm would impact upon tourism.

4.8 The Environmental Statement has assessed the impact upon the tourism sector and individual tourism businesses in Kintyre. It concludes that most impacts will be negligible or not significant. The development will have some minor adverse effects on a small number of business located in the area. These are expected to be outweighed by the beneficial effects that the development would have on the local economy.

4.9 A minor adverse effect is predicted on the route of the Kintyre Way during construction and decommissioning. Alternative routes will be provided by the

developer at these times. Adverse impact on the route is also predicted during the operation of the wind farm. This is due to the proximity to the route and national cycle routes.

4.10 Mitigation is proposed through a Transport Management Plan. This is to minimise disruption on tourism traffic during construction and decommissioning.

Main points for the council

Economic benefit

4.11 The renewable energy industry can play an important role in developing the local economy. The council's experience of wind farm developments elsewhere in Kintyre, indicates that local employment of contractors, hauliers and so on, will be of significance during the construction period. Accordingly economic benefit should be regarded as a factor weighing in favour of the development in the planning balance.

4.12 Community benefit payments were not considered to be a material planning consideration.

Tourism, recreation and access

4.13 The council did not refuse the Clachaig Glen wind farm based on its impact on tourism and recreation. Nor did it find the proposal contrary to the development plan with regard to impacts on tourism or recreation. Nevertheless concerns were expressed in the council committee report.

4.14 The council committee report noted a wide range of nearby tourist attractions and routes; including the Kintyre Way. It noted that the proposal would undoubtedly have some impact on the experience of users of the Kintyre Way.

4.15 The council's Access Officer had no objection to the proposal subject to the Kintyre Way (a Core Path) being kept open and free from obstruction at all times during the construction period and all path closures/diversions to be agreed in advance. An access plan was requested and is to be secured by planning condition.

4.16 There is a recognition that wind farms inappropriately sited, in sensitive scenic locations, would unlikely to be in the interests of sustaining Scotland's tourism economy. Landscapes are valued in terms of their value to the tourism economy.

4.17 If less care is taken in future planning decision-making over the siting of turbines in the landscape, public attitudes might shift significantly. However, given that the available evidence is inconclusive, there is too much uncertainty to be able to be definitive about impacts on tourism.

4.18 The committee report noted that the presence of adverse landscape, visual and cumulative impacts for Clachaig Glen wind farm suggests that, if granted, tourists might become dissuaded from visiting Kintyre. There is limited scope to

accommodate this additional wind farm in the landscape without presenting a threat to the tourism economy in Kintyre.

Main points for the West Kintyre Community Council and others

4.19 The West Kintyre Community Council is concerned about the long-term damage to the fragile local economy which is reliant on its land and seascape related industries for employment and income.

4.20 Those making representations have highlighted that the proposal will have detrimental impacts upon tourism and recreation.

4.21 In its closing submissions, the West Kintyre Community Council confirmed their view that the proposal would have an adverse visual and landscape effect on the long-distance walk of the Kintyre Way. The Community Council also has concerns regarding the potential damaging effect it may have on the tourism economy which is vital to the area as a whole. The Community Council expanded on that by highlighting the following:

- Rural tourism is a major factor in our rural economy and supports many small businesses and employees;
- The Kintyre Way users will have views of many more turbines than currently experienced. It is a nationally recognised long-distance path, with large parts of the path going through or close by the site. There is also concern about alternatives during construction;
- Scenery and rural activities such as hiking, cycling, sailing are major factors for tourists to the area;
- The letter from Visit Scotland to the Energy Consents Unit dated 15 October 2015 in response to the Killean wind farm ([KID 3.22](#)); the final paragraph of the letter states:

“Given the aforementioned importance of Scottish tourism to the economy, and of Scotland’s landscape in attracting visitors to Scotland, Visit Scotland would strongly recommend any potential detrimental impact of the proposed development on tourism whether, environmentally and economically – be identified and considered in full. This includes when taking decisions over turbine height and number.

Visit Scotland strongly agrees with the advice of the Scottish Government – the importance of tourism impact statements should not be diminished, and that, for each site considered, an independent tourism impact statement should be carried out. This assessment should be geographically sensitive and should consider the potential impact on any tourism offerings in the vicinity.

Visit Scotland would also urge consideration of any specific concerns raised above relating to the impact and any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.”

- No such independent tourism impact statement appears to have been undertaken. A meaningful independent survey specific to the Kintyre

peninsula is required. Most developers rely on out of date surveys or use the BiGGAR Economics most recent survey to justify that wind farms have no impact on local tourism. The BiGGAR Economics study does use a wind farm in Argyll as one of its studies. However, it uses Alt Dearg, which is a community owned wind farm that actively encourages tourism and visitors to the site. Allt Dearg does not have a nationally important long-distance footpath traversing through it or nearby. Nor does it affect an Area of Panoramic Quality. We do not believe that survey should be put forward as an indicator that wind farms have no effect on the tourism industry.

Reporters' conclusions

4.22 Net economic benefit is a consideration in the balance for decision makers. We recognise that the development of this proposal is likely to have beneficial effects on the local economy; particularly during construction and decommissioning. However, based on the evidence, these would be relatively small scale benefits in favour of the proposal.

4.23 Furthermore, in relation to net economic benefit, we do not consider that providing annual community payments into a community fund is material to this case. This is supported by a number of the recent planning decisions put forward as evidence in this case (in the list of [Core Documents](#), section 7). They may however go some way to meet the Scottish Government good practice principles for community benefits from onshore renewable energy developments ([CD 9.2](#) – now updated).

4.24 Separate from community benefit payments, as part of an agreement with Forest Enterprise Scotland, the appellant plans to provide the local community an opportunity to invest in the development. However, there was evidence at the policy hearing that an arrangement is not yet in place. Therefore, our conclusion is that the possible offer of community ownership does not merit detailed consideration in the determination of this appeal.

4.25 We find that whilst tourism and recreation based businesses cover a very broad range of activity, the quality of landscape scenery would be an important part of visitor's enjoyment and appreciation. It therefore appears to us that impacts on tourism and recreation would be linked to any landscape and visual impacts of the wind farm. This is a matter we have discussed in Chapter 3. Our conclusions there were that although the Clachaig Glen Wind Farm would have some limited significant visual impacts it would not be unacceptable overall in landscape and visual terms.

4.26 We find that there is no evidence presented which demonstrated to us that the project would have significant impacts on the local tourism sector. The construction of the proposal would likely have minor negative effects. We agree with the appellant that this can be mitigated to a certain extent by managing transportation and providing alternative walking access routes during construction. Such matters would however require planning conditions to secure the mitigation.

4.27 We also note that the conclusions from research submitted in evidence points to the existence of wind farms having no significant impact on the behaviours of tourists and visitors. We find that there is no evidence that wind

farms with acceptable landscape and visual impacts have any meaningful impact on behaviours. Furthermore, the planning decisions in the evidence before us, both from Reporters and Scottish Ministers, have generally agreed with that view.

4.28 Taking all of these matters into account, our overall conclusion is that the potential socio-economic impact is likely to be neutral or marginally positive. There is no evidence to suggest that the proposals will generate significant net economic benefits that should be considered persuasive in the planning balance.

CHAPTER 5: RESIDENTIAL AMENITY

Background

5.1 Matters relating to impacts on the residential amenity of individual dwellings, including visual impact, noise and shadow flicker, are all matters that should be considered in the planning balance as far as local development plan policy LDP 6 is concerned. This is also the case for Scottish Planning Policy which expects that individual properties and small settlements will be protected by the safeguards set out the local development plan.

5.2 Visual impact is dealt with in Chapter 7 of the Environmental Statement (Volume 2a) supported by technical appendices (Volume 3). Noise and shadow flicker are dealt with in Chapters 8 and 18 respectively. Technical appendices including noise information and shadow flicker modelling, support the finding of these chapters.

5.3 There are a number of properties located within 3 kilometres of the site boundary that the council has identified in its Committee Report. These include isolated properties east of the A83. They are generally associated with the small settlements of Muasdale, Beacharr and Glenbarr.

5.4 The closest properties include North and South Beachmore, Crubasdale, Low Clachaig, Arnod and Arnicle. The nearest property is High Clachaig to the south west of the site. As we understand it, High Clachaig is an unused abandoned property (see photographs in [Volumes 2\(b\)](#), Figure 18.2) which is located approximately 850 metres from the nearest turbine. Low Clachaig (again an abandoned residential property), is some 1.5 kilometres south west of the nearest turbine. The properties of Crubasdale and Beachmore are around 1.5 to 2 kilometres from the nearest turbines and are located to the west of the site.

5.5 The properties of Arnod and Arnicle are to the south; 3 kilometres from the nearest turbines. They would have no visibility of the turbines as they are in the next valley and have a ridge between them and the turbines. This is shown on the zone of theoretical visibility maps (Volume 2c, Figure 7.10). We also clarified their location and lack visibility to the turbines during our unaccompanied site inspections.

5.6 On an accompanied site inspection we visited a number of the closest properties including High and North Crubasdale, Low Clachaig and North Beachmore. Residents of some of these properties and adjacent properties submitted objections on the planning application.

5.7 For the purposes of this chapter, based on the evidence before us, the residential amenity issues are focused on a combination of visual impact, operational noise and shadow flicker. Visual impact and operational noise have been raised in representations. Impacts on health were also raised in representations.

5.8 The council's Environmental Health Officer has confirmed there are no matters relating to air quality or lighting. In addition, the Environmental Health Officer is satisfied that a Construction Environmental Management Plan, secured

by planning condition, would address any potential for dust arising during construction which could affect local air quality.

5.9 It is also accepted by both the council and the appellant that a condition relating to the hours of construction work would be necessary to ensure impacts on residential amenity are minimised. This is a matter on which there is no dispute.

5.10 The appellant and the council have agreed planning conditions for the wind farm (see [Appendix 3](#)). The agreed operational noise condition and accompanying guidance notes have been developed from the model condition contained in the Institute of Acoustics' Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise ([CD 6.1](#)).

5.11 The council and the appellant have agreed that the representative viewpoint 2 (Environmental Statement, Volume 2c) chosen within the scattered settlement of Muasdale would be subject to significant visual effects if the wind farm were to be constructed.

5.12 Shadow flicker occurs when certain conditions coincide in locations at particular times of the day and year. When the sun is low and shines on a building from behind turbine blades, shadows can be cast onto the building which appear to flick on and off as turbines rotate. Viewed through a narrow opening (like a window) it is known as shadow flicker.

Main points for the appellant

5.13 The Environmental Statement has not identified any significant residential amenity issues or impacts.

Visual impact

5.14 The absence of any significant impacts upon residential visual amenity is a positive element in support of the proposal. The Environmental Statement does not deal specifically with the visual element of the residential amenity of nearby individual properties as a priority. This matter was not identified as part of the scoping of the Environmental Statement.

Noise

5.15 Chapter 8 of the Environmental Statement suggests that acceptable noise immission limits can be met for properties in close proximity to the development. Although mitigation is proposed, no significant noise issues are expected during the construction phase of the project.

5.16 An assessment of operational noise has been undertaken in accordance with the principles of ETSU-R-97 'Assessment and Rating of Noise from Wind Farms' ([CD 6.5](#)).

5.17 A number of properties around Muasdale were selected, in consultation with the council, for noise monitoring to establish background noise. These were:

- Beacharr, 2.1 kilometres from turbine 1;
- North Beachmore, 1.9 kilometres from turbine 12;
- North Crubasdale, 2 kilometres from turbine 12; and,
- High Crubasdale Farm, 1.7 kilometres from Turbine 15.

5.18 It is predicted that during the operation of the turbines noise levels at all properties, including cumulatively with other wind farms (excluding Killean), will be below the ETSU-R-97 daytime and night-time noise limits. The residual effect is therefore not considered to be significant.

Shadow flicker

5.19 The property known as High Clachaig is the only property in the study area; after a buffer of 1060 metres was set from each turbine. This buffer was based on the distance of 10 rotor diameters and a micro-siting allowance for the location of the turbine.

5.20 There is no specific standard assessment tool for Shadow flicker. However, specialist software was used to quantify the extent of shadow flicker. Details of the results are in Appendix 18.1 of the Environmental Statement (Volume 3, page 485). The results predict a maximum of 14 hours of shadow flicker in any one year; distributed over 44 occurrences. These results present the worst case scenario. Instances are expected to be less; taking into account adverse weather and a number of other variables. The effect of shadow flicker on High Clachaig is therefore not considered to be significant. No mitigation is required.

Main points for the council

Visual impact

5.21 There are no issues raised by the council in respect of the residential amenity of nearby residential properties arising from visual effects. No concerns regarding residential amenity were raised at the Inquiry.

Noise

5.22 The council's Environmental Health Officer has no objection to the proposal with regard to noise, subject to conditions to ensure noise limits are not breached.

Shadow flicker

5.23 Government guidance advises that if separation of 10 rotor diameters is provided between turbines and nearby dwellings 'shadow flicker' should not generally give adverse effects. High Clachaig is less than 10 rotor diameters from the nearest turbine. The assessment in the Environmental Statement concludes that the effect of shadow flicker on High Clachaig is not considered significant. The council's Environmental Health Officer has not raised any concerns on this issue.

Main points for West Kintyre Community Council and others

Visual impact

5.24 West Kintyre Community Council advise that some residents with properties in the north of Muasdale, and in particular those residing in or owning properties at North Beachmore, High and North Crubasdale, High and Low Clachaig are concerned about the visual impact upon their properties (especially when the Creggan wind farm is taken into account).

5.25 Representations submitted by local residents living in the Muasdale area state that the impact on visual amenity for residents would be very significant and unacceptable.

Noise

5.26 West Kintyre Community Council and local residents have a concern that the turbines will generate unacceptable noise pollution in the area. Local residents query the validity and accuracy of background noise monitoring. This was due to an extremely stormy period of weather and equipment falling over during monitoring.

Shadow flicker

5.27 The impacts of shadow flicker was not raised in representations.

Reporters' conclusions

Visual impact

5.28 On our accompanied site inspections we found that the views enjoyed from a number of the nearby properties would be impacted. However, owing to property orientation and location of windows, topography and the availability of partial or oblique views of the turbines, we find that the properties within 3 kilometres of the turbines would not be adversely affected to a significant degree in terms of visual amenity. The effects are such that the properties would not be dominated in a way that would render the properties an unattractive place to live.

5.29 The concern of cumulative visual impacts with Creggan wind farm would not occur as it was not granted consent.

5.30 Any concerns that the council have relate to the general visual amenity of the surrounding area. We have discussed that in Chapter 3 of this report.

Noise

5.31 There is no evidence to show the likelihood of noise from the operation of the turbines breaching accepted limits. Nevertheless, we would agree with the council that in order to manage the risk of noise, a planning condition would be necessary.

Shadow flicker

5.32 There is no evidence which suggests that shadow flicker would be a significant matter.

Other matters

5.33 We find that the potential for additional health risks are not part of the considerations that Scottish Planning Policy would expect a decision maker to assess. Apart from noise and shadow flicker, the potential for general health impacts do not form part of the Scottish Government online guidance for wind farms. The local development plan or supplementary guidance do not anticipate that health matters (other than noise and shadow flicker) should be considered. There is also no specific evidence put forward to demonstrate that specific health impacts would arise from the development of Clachaig Glen wind farm.

5.34 We agree with the appellant and the council that a condition to govern working hours would be a necessary management tool to reduce any risk of disturbance. Such a condition is also recommend in the Heads of Planning Models conditions ([CD 9.1](#)).

Overall conclusions

5.35 Our conclusion is that, subject to planning conditions, the residential amenity of nearby properties would not be affected to a degree that would render the development unacceptable.

CHAPTER 6: ECOLOGY AND ORNITHOLOGY

Background

6.1 The potential for wind turbines to affect ecological and ornithological interests is acknowledged by Scottish Planning Policy. It is also reflected in policy LDP6 of the local development plan and its supplementary guidance.

6.2 This chapter assesses the ecological impacts of the proposed development, including ornithological effects. Ecology and Ornithology are treated as separate Chapters (9 and 10) in the Environmental Statement.

6.3 There are no ecological designations on the wind farm site. The nearest designation, which is not related to birds, is Rhunahaorine Point Site of Special Scientific Interest. It is located 4.5 kilometres from the development site. Rhunahaorine Point was not within the scope of the Environmental Statement assessments due to its distance from and lack of ecological links with the site.

6.4 Chapter 9 of the Environmental Statement assesses potential effects on habitats and species during construction and operational phases of the development. Baseline surveys were undertaken for habitats, otter, water vole, badger, pine marten, red squirrel, freshwater pearl mussel, bats and Scottish wildcat. Fish surveys were also undertaken.

6.5 The site is 4 kilometres from the Kintyre Goose Roosts Special Protection Area, Kintyre Goose Lochs Site of Special Scientific Interest and Kintyre Goose Roosts Ramsar site. These are all classified for wintering greenland white-fronted geese. The Special Protection Area qualifies under article 4.1 of the European birds directive because it supports the wintering population of geese. The greenland white-fronted goose is an Annex 1 species of international importance listed in the birds directive.

6.6 Chapter 10 of the Environmental Statement assesses potential effects on birds during construction and operational phases of the development. It focuses on species of high or medium ornithological importance. Such species are those with national or international protection under the 1981 Wildlife and Countryside Act and the European Union Birds Directive.

6.7 The potential for impact on groundwater dependent terrestrial ecosystems is addressed in Chapter 7 of this report.

Main points for Appellant

6.8 The Environmental Statement predicts two potential significant ecological effects. These effects are on the:

- conifer plantation and related habitats (of local importance); and,
- 'access track corridor habitats' (also of local importance).

6.9 Mitigation measures to address these impacts and the residual loss of habitat from the upland habitat mosaic are proposed. These include:

- the presence of a suitably qualified ecological clerk of works during periods of work;
- good practice in track design and restoration;
- design solutions to minimise drainage impacts; and,
- minimising impacts arising from the temporary storage of material.

6.10 These mitigation measures could be delivered through a Habitat Management Plan. The Environmental Statement proposes that such a plan would also include matters relating to deer management.

6.11 Residual effects on the upland habitat mosaic (including blanket bog) are also considered in the Environmental Statement. It indicates that design measures have reduced this residual impact to the point where it is not considered significant. The blanket bog resource lost would be less than 1% of the blanket bog resource in this upland habitat. Nevertheless, compensation measures within a Habitat Management Plan are proposed. These would include new broad leaved woodland planting, adaptive management actions, and grazing management and monitoring.

6.12 The Environmental Statement highlights that it is good practice to provide compensation for residual effects, especially in the context of a habitat feature of regional importance.

6.13 The Environmental Statement sets out predicted effects from disturbance (during construction and decommissioning), habitat loss, and the potential collision risk for each species. These included red-throated diver, hen harrier, golden eagle, kestrel, golden plover and black grouse.

6.14 No flights by greenland white-fronted geese were recorded within 500 metres of a turbine location and therefore a collision risk assessment was not carried out. Sufficient flight activity was recorded for golden eagles, hen harriers, kestrels and golden plovers to warrant collision risk assessments.

6.15 The assessments note that most of the recorded golden eagle flights were either not at collision risk height or not within 500 metres of a proposed turbine location.

6.16 In addition, a cumulative predicted mortality for golden eagles is assessed as low in magnitude and not such that it would affect the conservation status of eagle in the Natural Heritage Zone (and the impact is not significant).

6.17 No significant effects are predicted on birds. Collision risk calculations do not present significant effects on any of the bird species recorded, either in isolation or cumulatively with other wind farms.

6.18 Although no significant impacts are predicted, measures are proposed to minimise any potential disturbance. These are:

- specifically timed breeding bird surveys;
- construction areas minimised and clearly demarcated on the ground;
- an ecological clerk of works to monitor all construction works during bird breeding season;

- (if required) temporary 'no-go' areas to protect ground nesting birds;
- no construction one hour before or after dawn within 500 metres of any black grouse 'lek' (a gathering of male black grouse) during April or May; and,
- bird diverters fitted to the permanent meteorological mast.

6.19 Mitigation and compensatory measures are put forward. These are to be delivered through the development, approval and implementation of a Habitat Management Plan. Following the mitigation and compensation measures, the appellant states that no residual impact would be assessed as significant.

Main points for Scottish Natural Heritage

6.21 Due to the proximity to the site there is a likely significant effect on the greenland white-fronted goose 'interest feature' of the Kintyre Goose Roosts Special Protection Area. Therefore, an Appropriate Assessment is required in light of the site's conservation objectives for its qualifying interests.

6.22 Scottish Natural Heritage support the production of a Habitat Management Plan before construction work begins. It should include compensation and enhancement measures for the loss of upland habitat.

6.23 Scottish Natural Heritage recommend consideration of deer management and that further consideration of issues to be included in the Habitat Management Plan is informed by their own guidance notes.

6.24 The proposal will not adversely affect the integrity of the nearby Special Protection Area. No flights by greenland white-fronted geese were recorded within 500 metres of the proposed turbine locations. There is therefore a very low risk of collision. The proposed turbine array avoids the main flight line areas and no geese were recorded feeding or roosting in or near the proposed development site. Therefore, there is also a very low likelihood of any displacement and disturbance effects.

6.25 The Environmental Statement indicates a significant level of eagle activity from birds not likely to be associated with any known existing eagle territory. These type of areas have some importance in supporting the non-breeding element of the Natural Heritage Zone 14 'Argyll West and the Islands' population of eagles. It is not impossible that birds may try to form a territory in the area.

6.26 Nevertheless, Scottish Natural Heritage agree with the overall conclusions in the appellant's assessment of collision risk impact, individually and cumulatively on the Natural Heritage Zone population of eagles. In doing so Scottish Natural Heritage note the Natural Heritage Zone population is increasing. Despite having some concern over the calculation and presentation of collision risk, it is unlikely the proposal would result in collision levels that would affect the Natural Heritage Zone population of eagle.

6.27 Scottish Natural Heritage agree with the overall assessment on hen harrier which recognises the potential for such birds to use the area around the turbines to increase. This would be due to felling and restocking of trees. Scottish Natural

Heritage agree that it is unlikely to be at a level which would affect the population status; given that the area holds approximately 125 pairs of hen harriers.

6.28 The Environmental Statement, together with their own knowledge, contains sufficient information to enable the provision of advice on the impacts of the proposal on the natural heritage.

6.29 There would be no adverse effect on the Kintyre Goose Roosts Special Protection Area and no significant effect on wider populations of golden eagle or hen harrier.

6.30 In addition, Scottish Natural Heritage agree with most of the assessments of ecological impact and the mitigation/enhancement measures proposed. They recommend these should be incorporated into any consent through an agreed Habitat Management Plan.

Main points for the Royal Society for the Protection of Birds

6.31 Any native woodland mitigation should not encroach further on open habitats as these are important for various bird species.

6.32 The Royal Society for the Protection of Birds point to construction resulting in impacts on blanket bog from turbines T1 and T3 and the access track. These turbines are located on deep peat. As a consequence turbines T1 and T3 should be moved eastwards from open ground and blanket bog, and are sited within the forestry. Also turbine T4 should be moved away from the edge into the forestry. This would minimise potential collision by hen harriers and kestrel, reduce habitat loss to golden eagles as well as reducing loss of blanket bog and carbon impacts.

6.33 The Royal Society for the Protection of Birds do not object but advise that further consideration be given to impacts upon greenland white-fronted goose, golden eagle, red throated diver, hen harrier, merlin, peregrine and black grouse. The impacts are sufficient to require mitigation and that impacts may be greater than assessed in the Environmental Statement. In addition, restoration of peatland as well as native woodland planting was also seen as beneficial.

6.34 Based on the Environmental Statement data on golden eagle flights recorded there is potential for young birds to establish a new territory within the area. Results of the collision risk analysis are seen as high in relation to similar developments elsewhere in Argyll with a loss of 2.2 birds predicted over the lifetime of the wind farm; although survey work from Beinn an Tuirc suggests they largely avoid wind farms after construction. The Environmental Statement considers the proposal in context to the Natural Heritage Zone and not at a more local scale.

6.35 The forest edge should be modified from commercial species to a low density native. In addition, opportunities for restoration back to peatland should be provided through a Habitat Management Plan. Relocating turbines T1, T3 and T4 would assist in maintaining a robust foraging area for eagles on the western side of the wind farm.

6.36 The collision risk assessment of the Environmental Statement predicts the loss of 1.3 harriers over 25 years, which could be an underestimate. Habitat management may help mitigate this. Flight lines show that hen harriers use the open ground to the north west of the site. Relocating turbines T1 and T3 is again suggested as a mitigation measure in this respect.

6.37 Flight data for red-throated diver is suggested to be an underestimate. This is because few flights were recorded through the turbine envelope and no mention is made of whether birds bred successfully on the surrounding lochans. As a consequence no attempt was made to establish their main flight lines.

6.38 The flights of greenland white-fronted geese seem to show a bias for the route between two roost sites and are all over 1 kilometres from the nearest turbine and therefore potential impacts are likely to be low.

6.39 There is a need for ongoing monitoring and habitat management, and for consideration given to the relocation of three turbines. Other conditions are suggested to address tree felling, habitat management, provision of an ecological clerk of works and ornithological and habitat monitoring.

Main points for council

6.40 Ecological or ornithological issues did not form any part of the council's grounds for refusal. The advice of Scottish Natural Heritage on both ecological and ornithological matters is accepted.

6.41 Although parts of the proposed site are within Group 2 as defined by Scottish Planning Policy and supplementary guidance, following the advice of consultees, it is not considered that this status would be an impediment to the proposal being permitted.

6.42 It is considered that this proposal is consistent with the provisions of Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms (2012); and the relevant local development plan policy in terms of its impact on ornithological interests.

6.43 Subject to a number of conditions, the proposal is consistent with policy provisions connected with managing the impact on ecological and ornithological interests. Matters raised by the Royal Society for the Protection of Birds can be addressed by planning conditions.

Main points for others

6.44 The two community councils did not raise an objection on ecological or ornithological grounds in their comments on the application.

6.45 Individuals making representations did not provide new evidence. In response to the Environmental Statement they had general concerns. This was alongside specific concerns over the impact on golden eagle. It was suggested that there were proven flight paths of eagles in the area; as shown in the Environmental Statement. It was also said that the arrangements for access to

the site and the wind farm construction itself, would have a devastating impact on the natural diversity of wildlife in the area.

Reporters' conclusions

6.46 Based on the information in this appeal, we consider that effects on ecology and ornithology could arise during the construction, operation and decommissioning of the proposed development.

6.47 We are satisfied that the appellant has given adequate consideration to habitats and species implications. We also consider that, in general terms, the suggested planning conditions are important to ensure adverse effects are minimised.

Ecology

6.48 The evidence is clear that the development would lead to some loss of habitat. There is also general agreement between the appellant, the council, Scottish Natural Heritage and the Royal Society for the Protection of Birds that mitigation measures are required to address the impacts and residual loss of habitat for the upland habitat mosaic.

6.49 We agree with the findings of the Environmental Statement and the view of Scottish Natural Heritage, that direct impacts on habitat loss would not be a significant effect once mitigation is in place. We have no other evidence to question the findings of the Environmental Statement on habitat effects. In addition, we note the council has not raised any concern regarding loss of habitat. When considering the proposal, the council attached weight to the position of Scottish Natural Heritage, subject to the implementation of conditions.

6.50 As turbines T1 and T3 are located on deep peat, the Royal Society for the Protection of Birds recommend that turbines T1 and T3 are moved eastwards and turbine T4 is suggested to be moved into the forestry. We find that this to be a precautionary approach to reduce potential impacts of the proposal further. However, given the scale of the impacts involved, we find that such measures would be over-precautionary and not merited on the basis of the evidence. A planning condition with regard to micro siting would assist the detailed siting of the turbines. In addition, the movement or removal of turbines would equate to the refusal of the application which is before Ministers.

6.51 In our view, the point made by the Royal Society for the Protection of Birds about native woodland mitigation not encroaching further onto open habitats, is a matter that can be addressed through the development, approval and subsequent implementation of a Habitats Management Plan.

6.52 We find that the wind farm would not have unacceptably adverse effects upon any other non-avian habitat and or species (ornithology is considered below). This is subject to conditions relating to mitigation for habitat management, ongoing monitoring and satisfactory on-site supervision of construction works.

Ornithology

6.53 No party has provided evidence that effects on greenland white-fronted geese would be capable of affecting the integrity of the Special Protection Area as a European designated site. After reviewing all the information, together with the respective positions of Scottish Natural Heritage and the Royal Society for the Protection of Birds, we are satisfied that the site layout provides sufficient separation distance between established goose flight paths and turbines.

6.54 Scottish Natural Heritage note that no flights by greenland white-fronted geese were recorded within 500 metres of the proposed turbine. They conclude there is a very low risk of collision. The Royal Society for the Protection of Birds is concerned about underestimation. However, it has not provided robust evidence for that position.

6.55 The council has accepted Scottish Natural Heritages' position on collision risk impacts for eagles. We also note that the Natural Heritage Zone population is increasing. The Royal Society for the Protection of Birds is of the view that relocating turbines T1, T3 and T4 would also assist in maintaining a robust foraging area for eagles on the western side of the wind farm. While this may be beneficial, there is no evidence to suggest it would have a significant impact on predicted mortality.

6.56 Based on the evidence, we agree with the Scottish Natural Heritage assessment that it is unlikely the proposal would result in collision levels that would affect the Natural Heritage Zone population.

6.57 The Environmental Statement considered the implications of the development upon other bird species. No significant effects upon any other bird species were predicted. Scottish Natural Heritage has also given consideration to the potential effects upon protected bird species. We have reviewed the findings of the Environmental Statement and we find no evidence to question these conclusions.

6.58 The Royal Society for the Protection of Birds has drawn attention to collision risk for hen harriers. It suggests that there could be an underestimate but without the submission of evidence to demonstrate that. It is suggested by the Royal Society for the Protection of Birds that habitat management may help mitigate this. Also, relocating turbines T1 and T3 is suggested by the Royal Society for the Protection of Birds as a mitigation measure in this respect. We find that such a measure would be over-precautionary in light of the evidence.

6.59 Flight data for red-throated diver is also suggested by the Royal Society for the Protection of Birds to be an underestimate. Again we found no evidence to substantiate that claim.

6.60 We find that there is no disagreement with the measures that are proposed by the appellant to minimise any potential disturbance to birds. Such measures, taken together with other measures for inclusion in a Habitat Management Plan, would provide to be beneficial to bird populations and would ensure that significant effects do not occur.

Appropriate assessment

6.61 The Clachaig Glen wind farm has been identified as giving rise to likely significant effects on Kintyre Goose Roosts Special Protection Area (either alone or in combination with other wind farms) and requires to be the subject of an Appropriate Assessment. We have noted the findings of the council's appropriate assessment which was carried out in advance of the council's determination of the planning application. Drawing upon the advice of Scottish Natural Heritage and the Royal Society for the Protection of Birds, the council concluded that the development would not adversely affect the qualifying interests of the Kintyre Goose Roosts Special Protection Area or its integrity.

6.62 Ministers are required to undertake an appropriate assessment in advance of granting planning permission (if so minded). Ministers should only agree to the wind farm after having ascertained that it would not adversely affect the integrity of the European site. We are satisfied that from our assessment of the implications for the Kintyre Goose Roosts Special Protection Area, and having regard to the site's conservation objectives, the evidence demonstrates that development would not have an adverse effect on the integrity of the Special Protection Area. We find that there is no policy concern in this respect. We have reached this conclusion having regard to the position of Scottish Natural Heritage, which does not object to the development and is itself of the view that the integrity of the Special Protection Area would be unaffected. In these circumstances we recommended that Ministers could adopt the council's reasoning in its Appropriate Assessment which is set out at Appendix 4 to this report. In doing so, Ministers should have regard to the submission produced by the appellant to assist in the Appropriate Assessment process ([ECG 1.9](#))

CHAPTER 7: OTHER RELEVANT MATTERS

7.1 It is agreed between the council and the appellant that, subject to conditions, the proposal is acceptable in relation to: climate and carbon emissions; ecology; ornithology; hydrogeological; forestry; cultural heritage and archaeology; noise, air quality and lighting; tourism and recreational impact; shadow flicker & ice throw; television reception; aviation matters and electromagnetic interference; road traffic impact; and, drainage & water supply.

7.3 Notwithstanding the above, this chapter considers issues that we think are relevant to the Scottish Ministers consideration of this case and require some discussion.

Aviation and lighting

7.3 The potential for wind turbines to affect aviation safety and defence interests is acknowledged by Scottish Planning Policy. It is also reflected in policy LDP6 of the local development plan and its supplementary guidance.

Main points for the parties

7.4 The Civil Aviation Authority require to be notified so that the development is included in topographical air charts. The Ministry of Defence also require notification prior to turbines being constructed. They also require that all perimeter turbines are lit with either red aviation lighting or infrared lighting. The latter is invisible to the naked eye.

7.5 Highlands and Islands Airports Limited initially advised that, due to the height and position of the wind farm, a red visible aviation warning light may be required on the hub of some turbines.

7.6 A report ([ECG 3.10](#)) was prepared for the appellant by Osprey Consultancy Services. It states that Civil Aviation Authority guidance provides no requirement to fit Clachaig Glen wind farm turbines with visible lighting. That is unless Highlands and Islands Airport Limited provide a robust justification for the requirement.

7.7 The report goes on to note that the wind farm is:

- a significant distance from Campbeltown airport;
- not within the confines of Campbeltown airport flight operations area;
- not likely to present any effects on Campbeltown airport flight operations;
- not within safeguarded areas for the airport;
- a significant distance from the Instrument Flight Procedure route; and,
- lower than other higher obstacles which are closer to the Instrument Flight Procedure route.

7.8 The report concluded that Campbeltown airport is not affected by the Clachaig Glen wind farm. It agreed with the Ministry of Defence request for infrared lighting.

7.9 Both the appellant and the council have accepted the need to address the aviation safety requirements of the Ministry of Defence and the Civil Aviation Authority.

7.10 The advice of Scottish Natural Heritage is that visible lighting should be assessed. This includes potential cumulative effects of future schemes on the Kintyre peninsula.

7.11 We asked for further advice from Highlands and Islands Airports Limited. They confirmed that the Clachaig Glen site is underneath an arrival path for Campbeltown Airport and that the turbines would become dominant in the area. As a result, red aviation warning lights should be fitted to four specific turbines. A further response from Highlands and Islands Airports Limited in November 2018 ([ECG 4.7](#)) withdrew any need for such a condition as a result of reviewing the report submitted by the developer.

Reporters' conclusions

7.12 We agree with the council and the appellant that Ministry of Defence and Civil Aviation Authority advice should be adhered to. This could be dealt with by a planning condition.

7.13 Highlands and Islands Airports Limited do not need additional lighting.

Infrastructure, telecommunications and television reception

7.14 Chapter 15 of the Environmental Statement addresses implications with other infrastructure. For example water and electricity and telecommunications infrastructure. Scottish Planning Policy and Policy LDP6 of the local development plan require such implications to be assessed as turbines can interfere with telecommunications systems. This includes radio and television reception, mobile telephone systems and networks used by the emergency services.

7.15 The Environmental Statement predicts no significant effects on existing infrastructure provision. All consultees with a telecommunications interest have confirmed that they have no objections to the proposal.

7.16 The council note that the grid connection will be developed by Scottish Hydro-Electric Transmission Limited and considered separately from this appeal by means of an Electricity Act 'Section 37' application to the Scottish Government (on which the council would be consulted).

7.17 The council's states that in this location, due to poor television reception, properties will tend to rely on satellite signals. No measures are therefore required by the council to address any deterioration in conventionally broadcast signals.

7.18 The Environmental Statement says that any nuisance caused to television reception by the turbines would be addressed. We consider that a planning condition is required to secure that; even if it is not a firm likelihood. This would ensure that television services are sustained during the construction and operation of the wind farm. In coming to our conclusion we have taken in account the councils view, but have adopted a more precautionary approach. We have

also had regard to the model conditions prepared by Heads for Planning Scotland which sets out a condition (24) to mitigate against television interference by wind farms.

7.19 We have seen no other evidence of concern with regard to other public infrastructure.

Cultural heritage

Background

7.20 The National Planning Framework and Scottish Planning Policy recognise the positive contribution that our cultural heritage makes in our society. The thrust of planning policy for nationally recognised assets (including local development plan policy) is that development should not have an adverse impact on an asset or the integrity of its setting.

7.21 Chapter 12 of the Environmental Statement addresses archaeology and cultural heritage matters. The wind farm site and surrounding land up to 10 kilometres from the site contain a number cultural heritage features (Environmental Statement: Volume 2b, figure 12.2):

- scheduled ancient monuments;
- listed buildings;
- one entry in the inventories of gardens and designed landscapes; and,
- other non-designated locally important heritage assets.

Main points for the appellant

7.22 The Environmental Statement evaluates physical effects and impacts on the setting of assets; both during construction and operation of the wind farm. No known historic environment assets would be directly affected. However, the potential for new finds requires an archaeological programme of works during construction.

7.23 The setting of a number of heritage assets is assessed as 'minor adverse' impact in the Environmental Statement. It concludes that no significant residual effects would arise.

Main points for the council

7.24 The council has not expressed any concern regarding cultural heritage impacts. Their advisors, the West of Scotland Archaeology Service, did not respond to consultation.

Main points for Historic Environment Scotland

7.25 Historic Environment Scotland do not object to the proposal. They have provided commentary and advice on assets most likely to be affected. This covers their historic environment interests: scheduled monuments, category A-listed buildings and their setting, inventory gardens and designed landscapes, and historic battlefields.

7.26 Their initial advice focused on five key sites:

- Low Clachaig, cup marked boulders;
- North Beachmore, rock art panel;
- Dunan Muasdale, dun;
- Red Cove, dun; and,
- Carrach Muasdale, standing stone.

7.27 Due to the nature of the setting of the monument and the distance from turbines, the potential impacts are not at such a level to raise issues of national significance.

7.28 Dunan Muasdale, dun is located in an elevated position above Clachan Water nearly 2 kilometres from the nearest turbine. Views to and from the monument, including east-west views along the valley, are regarded by Historic Environment Scotland as important parts of its setting. The Zone of Theoretical Visibility indicates that 13 turbines could be visible from the monument. The Environmental Statement visualisation (Volume 3, figure VP A.1 and 2) shows topography and forestry would provide a degree of screening.

7.29 The proposed turbines would become a relatively dominant feature in views up towards the top of the valley to the east. As such, the wind turbines would have an adverse impact on the monument's setting. However, the turbines would sit low in the landscape, framed by adjacent hills. This, together with the distance from the turbines, means that it should remain possible to understand and appreciate the monument's relationship with the valley. The impacts would not raise issues of national significance.

7.30 Historic Environment Scotland were consulted on the potential impact of the access and turning area on the Category B listed Doll's Houses, Killeen. These form an exceptional pair of late nineteenth century U-plan Arts & Crafts cottages. The cottages have been designed to be seen from the road (now A83) with woodland to the rear of the buildings. Historic Environment Scotland say that access works would not have direct impacts. Some woodland behind the houses, that form part of their setting, is to be removed. The loss of trees would have an impact on the sense of enclosure. Historic Environment Scotland note that mitigation includes replanting of any trees lost during construction. Therefore, they do not consider the proposal would have a significant adverse impact on the Dolls Houses and they do not object.

Main points for those making representations

7.31 Due to the scale and location of the proposal, those making representations consider there to be an adverse impact on the amenity and settings of surrounding scheduled ancient monuments and important cultural heritage resources. This is to the detriment of their historic qualities, including impacts on the landscape setting of the A listed building Kirk A'Chleit church.

Reporters' conclusions

7.32 The cultural heritage effects of importance are focused on impacts upon the setting of scheduled ancient monuments and listed buildings.

7.33 We agree with the appellant and the council that should consent be granted, a planning condition is required to deal with items of archaeological interest which may be found during construction. This is required to ensure conformity with local development plan policy and Scottish Planning Policy.

7.34 We also agree with the position of the council, appellant and Historic Environment Scotland regarding replacement tree planting to help maintain the setting of the listed 'Doll's houses' in the long term. Tree planting would however need to be addressed in planning conditions.

7.35 Based on our experience, the setting of a monument or listed building relates to the way the surroundings of a historic asset contribute to how it is understood, appreciated and experienced.

7.36 We find that the integrity of the settings of listed buildings or monuments would not be adversely affected by the additional visual presence of the proposed turbines. In coming to that conclusion we have considered the landscape context of the local area through our site inspections and after reviewing the heritage visualisations provided by the appellant. We also recognise that the council has no concerns. Historic Environment Scotland highlight a number of mitigating factors: turbines sited low in the landscape; adjacent hills continuing to frame the valley; intervening tree cover; and, distance from the turbines. We have also taken into account the advice of Historic Environment Scotland that impacts on the setting of monuments would not raise issues of national importance.

7.37 Finally, we note that the Zone of Theoretical Visibility (Environmental Statement Volume 2b, Figure 7.10) shows that turbines would not be visible from the A listed Kirk A'Chleit church and therefore there would be no impact on its setting.

Hydrology, hydrogeology and peat management

7.38 As with any large scale construction works there are risks of environmental impacts. Chapter 11 of the Environmental Statement addresses:

- hydrology and hydrogeology;
- Groundwater Dependent Terrestrial Ecosystems;
- peat management;
- carbon balance; and,
- private water supplies (two properties west and south west of site).

Main points for the appellant

7.39 Watercourse crossings will be designed for a 1 in 200 year flow and 1 in 200 year flood level. An allowance has been made for climate change plus freeboard. Additional details on surface water drainage and sustainable drainage

system will be provided as part of the drainage strategy, to be prepared in advance of construction.

7.40 The overall effects on hydrology, hydrogeology and peat management are assessed as negligible or minor adverse impacts. Subject to appropriate mitigation measures and responsible site management through a Construction Method Statement, no significant effects have been identified in the Environmental Statement. The assessment also concludes a minor beneficial effect (but not significant) on carbon savings.

7.41 The Environmental Statement also advises that mitigation would be required to minimise impacts on private water supplies.

Main points for Scottish Environment Protection Agency

7.42 The “well” close to the High Clachaig property is, or was previously, used as a private water supply. The well location is approximately 0.5 kilometres from the nearest proposed track and around 1 kilometre from the nearest turbine. The private water supply, if present, is therefore not considered to be at risk of impact from the development. No construction is proposed within the buffer zones of the other two private water supplies identified in the Environmental Statement.

7.43 Whilst there appear to be some small fragmented areas of possible Groundwater Dependent Terrestrial Ecosystems present, most areas have been avoided. The mitigation measures outlined in the Environmental Statement are considered satisfactory.

7.44 The proposals for the re-use of peat fall within Scottish Environment Protection Agency guidelines and are provisionally acceptable.

7.45 Most of the water crossings are provisionally acceptable pending applications under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). The culvert at Crossing 3 is inadequate and should be replaced as per their guidance.

7.46 The risks posed by any increase in runoff rates are a matter for the council to consider.

7.47 Scottish Environment Protection Agency expect that the development would be carried out using best practice and in line with their regulatory requirements and guidance on wind farm developments.

Main points for the council

7.48 The council's Flood Risk Engineer has no concerns over flooding, provided that additional information on water drainage is secured by planning condition.

7.49 Subject to conditions, the proposal would not conflict with development plan policy and other recognised policy or advice on hydrology, hydrogeology and peat management.

7.50 There is no concern over the risk to private water supplies. A planning condition could ensure that a risk assessment and appraisal of all supplies in the vicinity of the development would be carried out.

Main points for others

7.51 West Kintyre Community Council is concerned about the possibility of flooding in the village of Muasdale. Based on weather experienced over recent years some residents in Muasdale are concerned about land erosion caused by flooding from water run-off where the wind farm is to be built. At the hearing the Community Council was content with the requirement to provide adequate drainage details through a planning condition.

7.52 In its closing submissions the community council reiterated its concerns about flooding and the potential impact on private water supplies. However, it notes that mitigation measures could be put into place to offset these concerns.

7.53 These concerns are also expressed by others making representations. There is a concern about increased rates of water run-off into the Clachaig Water. This would in turn lead to flooding and land erosion downstream, including in Muasdale. Those making representations wish assurances that drainage measures are adequate so that the peak flows of the Clachaig Water are not increased.

7.54 The impact on private water supplies (including serving Beacharr) is also raised as a concern. Representations suggest that unrecorded private water supplies exist; some from surface water, some springs and some boreholes. It is said that properties sitting above the level of the raised beach east of Muasdale are, generally, serviced by private water supplies.

7.55 North Beachmore is said to be misrepresented in the Environmental Statement. Representations state that there are four individually owned residences, three further domestic dwelling building plots and commercial livestock in the surrounding fields. The Environmental Statement states that the private water supply at North Beachmore is a borehole. This statement, it is argued, is inaccurate as the borehole serves only one residence. The others have independent private water supplies.

7.56 A number of private water supplies are in existence that have not been identified or considered. Concerns are raised that the quality and safety of these private water supplies will be adversely affected by the works required for the wind farm.

7.57 Those making representations call for a full private water supply risk assessment to accurately establish the number of private water supplies, their source and the number of end users, domestic and commercial.

Reporter's conclusions

7.58 Subject to appropriate planning conditions, we find no evidence to conclude that impacts in relation Groundwater Dependent Terrestrial Ecosystems; peat management; and carbon balance would be unacceptable.

7.59 We conclude that the main risks and concerns relate to additional water run-off and the potential for impact on private water supplies. There are recognised techniques for managing such risks and there is an additional need to reappraise the extent of private water supplies in the area. If consented, matters relating to drainage and safeguarding private water supplies could be secured through appropriate conditions. The deficiency of water crossing 3 would, as we understand it, be addressed by an applications under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

Forestry

7.60 Chapter 17 of the Environmental Statement considers the matter of forestry. Felling trees will affect 243 hectares of forestry plantation. With replanting taken into account, an overall net loss of 35 hectares is expected.

7.61 Scottish Planning Policy refers to the Scottish Government's control of woodland removal policy which seeks to protect woodland cover. Where woodland is removed in association with proposals in the public interest, developers are generally expected to provide compensatory planting.

7.62 The local development plan does not contain policies specific to development affecting woodland. We are therefore satisfied that no conflict arises with the development plan in this regard.

7.63 Forestry Commission Scotland initially objected to the proposal. This was based on the need for further information on felling proposals and re-stocking design. Forestry Commission Scotland also recommended that a condition is attached to any consent to ensure compensatory planting and a forest plan.

7.64 Further information submitted by the appellant allowed Forestry Commission Scotland to remove their objection. This was subject to conditions; including for re-planting proposals for the access road.

7.65 Scottish Environment Protection Agency initially objected due lack of site specific forestry waste information. We carried out further written submissions on the matter. As a result Scottish Environment Protection Agency acknowledged that its concerns could be dealt with in a Forest Waste Management Plan to be prepared as part of the appellants Construction and Environmental Management Plan.

7.66 We consider that the advice of Forestry Commission Scotland and Scottish Environment Protection Agency on forestry matters is material to this case. Planning conditions would ensure that the objectives of Scottish Planning Policy and the concerns of Scottish Environment Protection Agency would be addressed.

Traffic, transport and access

7.67 Chapter 14 of the Environmental Statement addresses traffic and transport implications of the proposed development. Scottish Planning Policy and policy LDP6 of the local development plan require such implications to be assessed.

7.68 There is no disagreement between the main parties on transport related matters (other than those discussed above in the landscape and visual chapter).

7.69 Access to the site would be via the A83 at Killean Estate. It is intended to be used jointly with the Killean wind farm (if consented) and is an existing forestry access and a Core Path.

7.70 There would be temporary effects predicted on the A83. However, Transport Scotland and the council's transportation advisors have not raised objections to the proposals. This is subject to planning conditions.

7.71 We agree with the relevant assessments in the Environmental Statement. We also agree with the council and the appellant that the imposition of conditions would secure the effective management of the access and traffic related arrangements. These would relate to a Transport Management Plan, construction management, detailed design of the turning area at the access, and the use of abnormal loads.

Borrow pits

7.72 At the conditions hearing the council and appellant agree a need to avoid doubt over the requirement for separate planning permission for working minerals. Based on the level of information submitted in the Environmental Statement we agree that the working of any borrow pit on the site should require a separate planning consent. Therefore, we are supportive of a planning condition which clarifies that.

Decommissioning and restoration

7.73 Scottish Planning Policy and the local development plan set out a need to consider decommissioning and restoration arrangements for wind farms.

7.74 The Environmental Statement acknowledges the need for decommissioning and restoration to be addressed. It highlights that a construction method statement and a decommissioning scheme would be put in place.

7.75 We agree with the council and the appellant that these matters could be dealt with by conditions. However, we also conclude, as reflected at the conditions hearing, that arrangements need to be robust enough to ensure that decommissioning can be secured.

Reporters' overall conclusions

7.76 We conclude that the impacts of the wind farm discussed in this chapter would be acceptable, subject to planning conditions highlighted and discussed further in Chapter 9 of this report.

CHAPTER 8: COMBINED IMPACTS

Background

8.1 Scottish Planning Policy and the local development plan expect a decision maker to consider cumulative effects of a wind farm. This chapter specifically considers the relevant issues related to combined effects for Clachaig Glen and Killean wind farms.

8.2 Having considered all the evidence in these cases there is a likelihood of combined effects regarding landscape and visuals matters, ornithology, transportation and noise.

Landscape and visual impacts

8.2 The cumulative landscape and visual effects of the Clachaig Glen wind farm in combination with the Killean proposal have been discussed in Chapter 3 and our conclusions are set out in that chapter. Our separate report on the Killean wind farm also considers cumulative impacts; where we highlight our concerns about the Killean proposal in combination with other wind farms.

Ornithology

8.3 We find that the Environmental Statement of Clachaig Glen did not add Killean wind farm to its cumulative assessment on ornithology. However, the Killean Environmental Statement (prepared after Clachaig Glen) provided such an assessment (Volume 2, Chapter 5). No significant effects were predicted on the main species, the Argyll West and Islands Natural Heritage Zone or the Kintyre Goose Roost SPA population. In their responses to the two applications Scottish Natural Heritage has not raised any concern on cumulative impacts of the two schemes. The council also has no concerns. We are therefore content that there would be no likelihood of significant impacts on ornithology if both schemes were consented. Ministers would need to consider cumulative impacts within an Appropriate Assessment for Clachaig Glen wind farm if Killean wind farm were also to be consented.

Transportation and Access

8.4 In the event that both Killean and Clachaig Glen scheme were consented it was acknowledged by all parties at the hearing that transportation elements of the construction activity would need to be co-ordinated in the event that construction of both wind farms overlap. We would therefore recommend that Ministers consider that a joint management scheme for the movements of traffic on public roads is submitted which can be used to manage the impacts of the construction of the two schemes if they were to overlap.

Noise

8.6 The Environmental Statement predicts that during operation of the turbines all properties, including cumulatively with other wind farms will be below the ETSU-R-97 daytime and night-time noise limits. As noted in Chapter 5 of this report, that assessment excludes Killean.

8.7 In Chapter 10 of the Killean wind farm Environmental Statement, Volume 2 (prepared later than Clachaig Glen), a cumulative operational noise assessment is provided. The predicted cumulative noise levels (for Clachaig Glen, Killean and Deucheran) wind farms) are within appropriate noise limits for nearby properties. No consultee has raised concern over cumulative noise during the operation of the wind farm. We therefore agree with the Killean assessment that the likely cumulative operational noise would be regarded as acceptable. Any noise conditions would therefore not need to refer to cumulative issues.

8.8 The Killean assessment also concludes that cumulative construction noise is not predicted to rise above acceptable limits.

Reporters' conclusions

8.9 It is important to consider combined effects if Ministers are minded to grant permission to both Clachaig Glen wind farm and Killean wind farm.

8.10 Based on our overall assessment, our advice is that the only combined effect that is of significance, or cannot be managed by condition, is cumulative visual impact. This is reflected in Chapter 3 of this report regarding landscape and visuals impact. It is more substantively dealt with in our separate report on the Killean wind farm application.

CHAPTER 9: CONDITIONS

Background

9.1 A list of proposed conditions agreed between the council and appellant were prepared in advance of the Public Inquiry. After discussion at the conditions and legal agreements hearing, a further set of proposed conditions were submitted on 15 February 2019. These proposed conditions are set out at [Appendix 3](#) of this report.

9.2 We have provided a list of our recommended conditions at [Appendix 5](#) of this report. These are the conditions that we consider to be necessary should Scottish Ministers be minded to allow this appeal. They are largely based on the conditions in Appendix 3 and arise for the issues raised in the previous chapters of this report. We consider that there is no need to rehearse the need for such conditions where we are in agreement with the proposed conditions put forward by the appellant and the council. There are a number of the proposed conditions that we are in full agreement with. These are simply replicated in our recommended conditions in Appendix 5.

Planning agreement

9.3 The council and the appellant agree that there are no matters which require to be made the subject of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997 or any other form of legal agreement in order to make the application acceptable in planning terms if it were not otherwise acceptable.

9.4 With regard to proposed condition 6, we are of the view that it does not provide a robust method to ensure that the changing cost of decommissioning works is catered for over time. In that respect we have considered the model conditions for Section 36 applications prepared by Heads of Planning Scotland and the Scottish Government. In light of that guidance we have amended condition 6 to ensure that the value of the financial arrangements are suitable for the duration of the consent. This was a matter which was discussed at the conditions and legal agreements hearing.

Discussion of proposed conditions

9.5 We agree that there is a case, as set out by the appellant at paragraph 9.3 of the Statement of Appeal ([ECG 3.1](#)), in the delivery of such a major project, that a planning permission shall lapse five years from the date of a decision notice (rather than three). There was no dispute over this matter. We are therefore content with the proposed condition 2.

9.6 In proposed condition 3, we accept that a 26 year consent from the date of first electricity export would allow for a 25 year operation period and a one year period for decommissioning. If Ministers are to grant the Killeen wind farm application for the 35 years sought by the applicant, Ministers may wish to consider such a period for the Clachaig Glen proposal.

9.7 With regard to proposed condition 10 and 11, to ensure enforceability of the conditions, the council should approve the abnormal loads and detailed design of the turning area at the proposed access and not Transport Scotland. It should be done in consultation and with Transport Scotland. We say this because Transport Scotland is not the planning authority responsible for enforcing a consent if Ministers were to give permission. We have amended the wording of the conditions accordingly.

9.8 We also noted earlier in this report that if Killean wind farm is consented by Ministers, there would be a need to coordinate and manage transportation on the public roads. Given that Clachaig Glen and Killean would use the same access and transportation routes, Ministers are advised to amend our recommended conditions to require a joint traffic management plan if both schemes were consented.

9.9 Proposed condition 13 sets out the duties of the ecological clerk of works. However, the terms of the appointment (which would include the duties) are to be submitted prior to the commencement of the development in relation to proposed condition 12. Therefore, there is no need, in our view, for a separate condition 13. We have integrated the two proposed conditions together along the lines of that recommended in the Heads of Planning and Scottish Government model conditions. This would improve the ability to enforce of the conditions.

9.10 Proposed condition 14 requires survey work to support the Construction and Environmental Management Plan. We have therefore included that requirement in our recommended condition 8.

9.11 Proposed condition 23 makes provision to inform the Ministry of Defence of the turbines locations. We have amended that condition to add notification to the Civil Aviation Authority as discussed in Chapter 7.

9.12 A proposed condition (24) deals with infrared lighting requirements of the Ministry of Defence. As noted in Chapter 7, Highlands and Islands Airport Limited has removed the requirement for visible red aviation lighting.

9.13 We have amended proposed condition 25 to be clear on the need for a replanting scheme to be implemented for the access and haul road which provide a background to the listed Doll's Houses just off the A83.

Additional conditions

9.14 Based on our conclusions in Chapter 7, we have added a condition to address the possibility of television interference. This is highlighted as a possibility in the Environmental Statement. Our recommended condition mirrors that of the Heads of Planning model conditions.

9.15 A requirement to risk assess and appraise private water supplies in the area was recognised by the council's environmental health advisor. We have therefore added a condition which would require a scheme to be submitted and approved by the council. The scope and detail of the scheme would then be a matter for the council to determine.

Reporters' conclusions

9.16 We consider that the recommended conditions set out in Appendix 5 would be appropriate and necessary in the event that Scottish Ministers wish to grant consent. They reflect the issues emerging from the consideration of this application and also reflect standard types of conditions used to manage the impacts of wind farms. We are satisfied that they comply with [Planning Circular 4/1998](#): the use of conditions in planning permissions.

9.17 In light of the above, the numbering of the conditions differs slightly between Appendix 3 and our recommended conditions in Appendix 5. We have adopted the categories set out in the appellants proposed conditions but have removed footnotes which would not be required to be attached to a consent. Some minor changes in wording have also been made to a number of conditions to aid clarity, consistency with our report on Killean wind farm and the enforceability of the planning conditions.

9.18 If Ministers consent the Killean wind farm, we recommend that consideration is given to amending recommended conditions for Clachaig Glen wind farm to require a joint scheme for transportation matters.

CHAPTER 10: OVERALL CONCLUSIONS AND RECOMMENDATIONS

Background

10.1 The proposal falls under Schedule 2 of the 2011 Environmental Impact Assessment Regulations. These regulations require an Environmental Impact Assessment where a development is likely to have a significant effect on the environment. In accordance with the regulations, this proposal was accompanied by environmental information in an Environmental Statement and subsequent Additional Environmental Information report.

10.2 The Environmental Statement gives consideration to the direct and indirect effects of the proposed development. The Additional Environmental Information gives an update on the landscape and visual impact assessment presented in the Environmental Statement.

Consideration of significant effects

10.3 We have set out our conclusions in respect of the environmental considerations in the previous chapters of this report. The Environmental Statement (unchanged by the Additional Environmental Information) concludes that, following the implementation of mitigation, the proposed development would give rise to significant effects on the landscape, including cumulative effects, and in relation to visual effects, including cumulative impacts. We have considered those matters in Chapter 3 of our report.

10.4 For all other environmental receptors identified, the Environmental Statement (in table 19.1) found that no significant effects would occur following the implementation of mitigation. In some cases that is subject to appropriate mitigation being secured by planning conditions. We have discussed such matters in the chapters above and in Chapter 9 on conditions.

10.5 The conclusions of the Environmental Statement, on matters not contained in this report, have not been challenged and there is no evidence before us to give us any basis to reach different conclusions.

Determination of the appeal

10.6 Scottish Ministers are required to decide whether or not to grant planning permission for the Clachaig Glen wind farm proposal, under the provisions of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that the decision should have regard to the development plan. The determination should be made in accordance with the plan unless material considerations indicate otherwise.

10.7 Having considered the evidence and carried out a Public Inquiry, with regard to the provisions of the development plan we consider that the main issues for Scottish Ministers in the determination of this appeal are landscape and visual impacts, including cumulative effects (with the Killeen wind farm in particular). The primary disputed impacts are related to these matters.

Policy

10.8 The various Scottish Government renewable energy targets are not a cap on further development. We find strong support for onshore wind energy proposals in appropriate locations. The proposal would make an important contribution to the targets.

10.9 Landscape and visual impacts are an inevitable consequence of any commercial scale wind farm proposal. The assessment of whether a wind farm is acceptable in overall terms requires to take that into account within the national energy policy environment.

10.10 The National Planning Framework and Scottish Planning Policy are both set within the context of the energy policy of the Scottish Government. We find that the overall aim is to facilitate environmentally acceptable renewable energy proposals, including onshore wind farms. Impacts are to be balanced against benefits in terms of the range of considerations set out in paragraph 169 of Scottish Planning Policy.

10.11 The Scottish Planning Policy presumption in favour of development that contributes to sustainable development does not apply to all wind farm proposals. It would apply to a wind farm considered to be environmentally acceptable.

Development plan

10.12 The lead development plan policy in the assessment of wind farms is Policy LDP 6, including in areas of Very Sensitive Countryside. The considerations of that policy mirror that of Scottish Planning Policy. There is no need to look elsewhere in the local development plan on topics already covered in LDP 6. The renewable energy supplementary guidance reiterates the considerations of LDP 6 and adds factors such as birds sensitivity, long distance footpaths, important tourist attractions and airport safeguarding areas.

10.13 However, an additional policy that does require consideration is LDP 3, and specifically Supplementary Guidance ENV 13. This is specifically with regard to the effects on local designations; in this case Areas of Panoramic Quality. The key policy test of the Supplementary Guidance is avoiding a significant adverse impact on the character of the landscape of the Areas of Panoramic Quality. We understand landscape character to mean the landscape qualities for which the area has been designated.

10.14 Our conclusions regarding the local spatial framework for wind farms, set out in Supplementary Guidance, is that the proposal site is equivalent to a Group 3 area. This is where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. This would include policy LDP 6 and Supplementary Guidance ENV 13.

Main issues: landscape and visual impacts, including cumulative

10.15 The Environmental Statement follows an accepted methodology and fairly presents the potential landscape and visual effects. The disputes in this case can largely be attributed to differences in professional opinion.

10.16 Our assessment has shown us that a limited number of significant landscape and visual impacts are identified for the purposes of Environmental Impact Assessment. These are primarily within 2 to 3 kilometres of the site or on Gigha. In addition, the West Kintyre Area of Panoramic Quality would not experience unacceptable significant adverse effects. Where significant visual impacts would arise they are not of such a scale or dominance that they should be considered unacceptable for a commercial scale wind farm. We find that the siting of the scheme has sought to minimise visibility from the west and the east.

10.17 Additional cumulative impacts would result from the construction of Clachaig Glen. However, these would be relatively limited and would not result in turbines becoming the defining characteristic of the landscape type or lead to a 'wind farm landscape' in the Uplands of Kintyre. Cumulative impacts would only be a significant concern if the Killeen wind farm were to be consented, contrary to the recommendation in our separate report.

10.18 We find that the impacts would not be unacceptable effects for the purposes of policy LDP 6 or the relevant Supplementary Guidance.

10.19 Overall, we have concluded that there are relatively few significant landscape and visual impacts. Where they occur, they are not unexpected or overly dominant for a commercial scale wind farm.

Other development plan matters

10.20 Of the other considerations listed under in policy LDP 6 and in Supplementary Guidance our findings in Chapters 4, 5, 6 and 7 are that the proposal would be acceptable. This support is however subject to a range of planning conditions across a wide variety of issues. Such conditions are reflected in our recommended conditions at Appendix 5.

Development plan conclusions

10.21 Our conclusions on landscape and visual matters lead us to the conclusion that the proposal is not contrary to Policy LDP 6. This is after finding the effects of the proposals would not have unacceptable adverse effects, including cumulatively. There are no other relevant development plan matters that would render the proposal as unacceptable.

Material considerations

10.22 The proposal would represent a significant capital investment and contribute to reducing greenhouse gas emissions. Landscape and visual impacts are an inevitable consequence of any commercial scale wind farm proposal. This proposal is located in an area with potential for onshore wind according to Scottish Planning Policy. It would contribute to the Scottish Government's renewable energy targets and benefits from renewable energy policy support for onshore wind farms in Scotland.

10.23 The detailed considerations set out in Scottish Planning Policy

paragraph 169 are repeated under policy LDP 6 of the local development plan. Therefore our findings for LDP 6 above also relate to Scottish Planning Policy. The development therefore merits the qualified support that Scottish Planning Policy provides for onshore wind farms.

10.24 The site falls within a Group 2 and Group 3 area; as set out in Scottish Planning Policy. However, this is due to the location of the access to the A83 and deep peat on the site; a matter regarding addressed in the design. We have found no national spatial policy reasons why a proposal (in the equivalent of a Group 3 area) would not have the potential for being acceptable, subject to a site specific assessment.

10.25 The Argyll and Bute Landscape Wind Energy Capacity Study (2017) is a material consideration and is not part of the Development Plan. We have found that the proposal, while not meeting the detailed guidelines in the study, meets the key overarching aims of the guidance.

10.26 We did not find that guidance produced by Scottish Natural Heritage for the siting and design of wind farms wind farms was contradicted by the proposal to any significant extent.

10.27 There is no evidence to suggest that wind farms with acceptable landscape and visual impacts have impacts on the behaviours of visitors to an area. Previous planning decisions (provided as evidence in this case) have generally agreed with that view.

10.28 The main combined effect is that of cumulative visual impact. If Scottish Ministers refuse consent for Killean wind farm due to unacceptable visual impacts, it would be important to consider whether the Clachaig Glen proposal contributed to similar effects. However, we find that Clachaig Glen wind farm has significantly less visual and cumulative impacts. In our view, the fact that the Killean application exists does not influence the acceptability or otherwise of the Clachaig Glen proposal.

10.29 If Ministers agree with our assessment that the Clachaig Glen wind farm is considered to be environmentally acceptable, the presumption in favour of development that contributes to sustainable development should apply as a material consideration in support of the proposal.

10.30 The potential for additional health risks, in addition to air quality (from dust), shadow flicker and noise are not part of the considerations that Scottish Planning Policy would expect a decision maker to assess. There is also no specific evidence put forward to demonstrate that specific health impacts would arise.

10.31 We are aware that there are proposals for community ownership. However, that matter is not relevant to the decision.

10.32 Overall, we find that there are no material considerations that would lead us to advise Ministers that planning permission should be refused. It is our view that material considerations are generally supportive of the proposal.

Reporter's overall conclusions

10.33 Clachaig Glen wind farm would contribute to Scottish Government targets for increasing generation of electricity from renewables and reducing carbon dioxide emissions. In relation to the main issues, we conclude that the proposal should be considered acceptable in terms of its landscape and visual impact, including cumulative impact. Subject to the use of our recommended planning conditions, we do not find other unacceptable environmental impacts.

10.34 We therefore conclude, for the reasons set out in this report, that the proposed development accords overall with the relevant provisions of the development plan and would benefit from the presumption in favour of development that contributes to sustainable development. There are no other material considerations which we consider would justify the refusal of planning permission.

Planning conditions

10.35. There was agreement that a Section 75 planning obligation is not required. We found that a small number of the proposed planning conditions required to be amended. We also added two other conditions and deleted one condition.

10.36 If Ministers are minded to consent the Killean wind farm application, the combined effects with Killean wind farm would require amended wording in conditions.

Recommendations

10.37 To accord with the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Ministers should consider the effect of the proposal on a Special Protection Area before it can be consented. We advise Scottish Ministers firstly to undertake an appropriate assessment. We recommend this is undertaken with regard to our conclusions set out in Chapter 6, paragraph 6.62. If Ministers are minded to consent the Killean proposal, the appropriate assessment should also take into account combined effects of the Killean proposal.

10.38 Subject to a favourable outcome of that appropriate assessment, we recommend that Scottish Ministers allow the appeal and grant planning permission, subject to the recommended planning conditions listed in [Appendix 5](#).

10.39 With regard to combined effects, this recommendation is made irrespective of whether or not the Minister for Energy, Connectivity and the Islands is minded to consent the Killean wind farm.

Keith Bray
Reporter

Dan Jackman
Assistant Chief Reporter

APPENDIX 1: LINKS TO PUBLIC INQUIRY DOCUMENTS

The following document lists were submitted for the public inquiry:

[Core Document List](#)

[Argyll and Bute Council Documents](#)

[Clachaiq Glen Appellant Documents](#)

[Killeen Applicant Documents](#)

APPENDIX 2: APPEARANCES AT THE PUBLIC INQUIRY

For the Clachaig Glen appellant

Vincent Fraser QC

David C Bell - Chartered Town Planner, Director with Jones Lang Lasalle

Nigel Weir - Chartered Landscape Architect, Associate Landscape Architect at AECOM

For the Killean applicant

Marcus Trinick QC

Simon Herriot - Chartered Town Planner, Director of Planning with Savills in Scotland

Sam Oxley - Chartered Landscape Architect, Landscape Planning Director at LUC

For Argyll and Bute Council

Maurice O'Carroll, Advocate

Arlene Knox - Senior Planning Officer - Major Applications, Argyll and Bute Council

Carol Anderson - Chartered Landscape Architect

For West Kintyre Community Council

Margaret Pratt, Convenor.

APPENDIX 3: PROPOSED CONDITIONS AGREED BY APPELLANT AND COUNCIL

DEFINED TERMS¹

CEMP	means the Construction and Environment Management Plan to be submitted to and approved by the planning authority pursuant to Planning Condition [8].
Commencement of Development	means the initiation of development pursuant to the Planning Permission by the carrying out of a material operation within the meaning of section 27(2) of the Town and Country Planning (Scotland) Act 1997 as amended, but excluding the Permitted Preliminary Works.
Date of Final Commissioning	means the earlier of (i) the date on which commissioning and performance testing of the last of the turbines forming part of the Development is certified as complete and full commercial operation of the Development begins following the issue of a take-over certificate; or (ii) the date falling thirty six months from the date of Commencement of Development ² .
Development	means the wind powered generating station and ancillary development described in the planning permission.
ES	means the Environmental Statement submitted in May 2016.
Permitted Preliminary Works	means (i) any site investigation or other preparatory works or surveys required for the purpose of satisfying or discharging any pre-commencement obligations under the planning conditions, and (ii) the provision of any temporary contractors' facilities within the Site which are necessary for (i) above.
Site	means the area of land outlined in red on Figure 1 (HC_160506_PA1) of the ES;

CONDITIONS

- The development shall be undertaken in accordance with the application dated 18 May 2016 and planning drawings listed below except insofar as amended by the terms of and conditions attached to this permission. The approved planning drawings are:

- HC_160506_PA1 (*Figure 1, Location and Site Plan*)
- HC_160503_PA2 (*Figure 2, Turbine Model*)
- HC_160506_PA3 (*Figure 3, Site Entrance*)
- HC_160420_PA4 (*Figure 4, Permanent Anemometer Mast*)
- HC_160506_PA6 (*Figure 6a, Control Building and Substation Compound*)

Reason: To ensure the development is carried out in accordance with the approved drawings.

¹ The list of defined terms is intended to provide clarity on key concepts required to understand the draft conditions.

² To provide a fixed longstop date which is transparent and readily measurable, this period is defined by reference to "Commencement of Development" and not the date of first commissioning (as often proposed, for example in CD 9.1).

Timing and Operation

2. This planning permission shall lapse on the expiration of a period of five years³ from the date of this decision notice, unless development has begun within that period.

Reason: To apply a time limit on implementation because section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) does not apply to any planning permission granted for a limited period.

3. The permission for the development (excluding the access tracks) shall expire after a period of 26⁴ years beginning on the date when electricity is first exported commercially to the electricity grid network, following commissioning of any of the wind turbines ('first export date'). Written confirmation of the first export date shall be provided to the planning authority within 1 month of the first export date.

Reason: In recognition of the expected lifespan of the wind farm.

4. If any turbine fails to supply electricity to the grid for a continuous period of 12 months then, unless the turbine is in the process of being repaired or replaced or otherwise agreed in writing by the planning authority, a scheme for the removal of the wind turbine and any surface ancillary works solely relating to that wind turbine should be submitted in writing to the planning authority within 18 months of the turbine first ceasing to supply electricity. The approved scheme shall thereafter be fully implemented in accordance with the agreed timescales.

Reason: To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

Decommissioning

5. Not later than 12 months before intended decommissioning, or the end of this permission as stated in condition 3, whichever is sooner, a decommissioning and site restoration scheme shall be submitted to and agreed in writing by the planning authority. Such a scheme shall include the removal of above-ground elements of the development (excluding the access tracks which will be left in situ unless otherwise agreed with the planning authority), the management and timing of any works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The scheme shall be implemented in accordance with such timescales and measures as may be agreed.

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

6. No turbine shall be erected (including formation of turbine foundations) as allowed for by this planning permission until details of the financial provision to be put in place to cover the full cost of decommissioning and site restoration have been submitted to the planning authority. Following approval by the planning authority of the proposed financial provision, documentary evidence shall be provided to the planning authority to confirm these provisions are in place and, thereafter, the provision must be kept in place until site decommissioning and restoration is complete in accordance with condition 5.

Reason: To guarantee the restoration of the site following cessation of the development.

³ While three years is a default period, it is open to the decision-maker to direct that a longer period is to apply. The justification for a five year period is set out in paragraph 9.3 of the Statement of Appeal (ECG 3.1).

⁴ The assumed operational life (i.e. excluding construction) of the wind turbines is 25 years per the Environmental Statement. Thereafter a period for decommissioning is required and the 26 year duration for the planning permission takes in that period to ensure decommission obligations remain enforceable. The ES assumes access tracks are left in situ, i.e. permanent.

Micro-Siting

7. All infrastructure comprised in the development shall be erected, constructed or formed in the positions indicated on approved drawing HC_160506_PA1_v4 save that without further recourse to the planning authority, the final as built position of (a) any turbine and associated crane pad, the met mast and access track may vary by up to 50 metres in any direction and (b) the control building, substation compound and temporary construction compound may vary by up to 100 metres in any direction, provided that any such variation does not infringe any requirement of any other condition attached to this permission.

Unless approved by the ECoW (appointed under condition 12 below), any micro-siting under this condition shall not result in:

- a. any infrastructure being located in areas of peat with a depth in excess of 2 metres
- b. other than watercourse crossings, any infrastructure within 50 metres of any existing watercourses
- c. new access tracks being located within 100 metres of any existing private water supplies
- d. infrastructure (other than new access tracks) within 250 metres of any existing private water supplies.

Reason: To provide flexibility to take account of local ground conditions as provided for and assessed in the ES.

Construction Environmental Management Plan

8. No development shall commence until a construction and environmental management plan (**CEMP**), incorporating mitigation measures specified within the Environmental Statement, has been submitted to and agreed in writing by the planning authority. The required documents shall address the following:
- a. Construction Resource Management Plan (addressing site waste including details setting out how any forestry waste will be managed)
 - b. Dust management including cleaning arrangements for the site entrance and the adjacent public road (the A83)
 - c. Pollution prevention and control measures
 - d. Arrangements for on-site storage of fuel and other chemicals
 - e. Details of temporary site illumination
 - f. Details of the methods to be adopted to limit the effects of noise occurring during the construction period
 - g. Post-construction restoration/reinstatement of the temporary working areas within the site

The agreed CEMP shall thereafter be fully implemented.

Reason: To set out the detailed site development methodology including measures to control pollution of air, land and water and to ensure full consideration of all consequential effects arising during the construction period.

Traffic and Site Entrance

9. Development shall not commence until a traffic management plan (**TMP**) has been submitted to, and agreed in writing by, the planning authority either for a specified sub-phase of construction or for the whole phase if the required information is available.

The TMP shall include information on materials (including details of any quarries being used to source road construction materials), plant, equipment, components and labour required during construction as well as details of escorts for abnormal loads, access and egress arrangements for abnormal loads, concrete wagons and heavy goods vehicles (including potential out of hours deliveries) and a local signage scheme, the scheduling and timing of abnormal load movements, pre and post construction surveys, and a programme and methodology for any repairs as a consequence of any damage caused by construction traffic.

The works shall then be carried out in accordance with the agreed TMP.

Reason: To ensure that all necessary information is made available regarding construction traffic arriving at the site and how this will then be managed to minimise adverse impacts on residents and local businesses in the area.

10. The proposed route for any abnormal loads on the trunk road network will be approved by the trunk road authority prior to the movement of any abnormal load. Any accommodation measures required (including the removal of street furniture, junction widening, or traffic management measures on the trunk road network will be approved in advance by the trunk road authority and will be undertaken by a recognised Quality Assured traffic management consultant.

Reason: To ensure that all necessary information is made available regarding abnormal load routing and accommodation measures and how this will be managed to minimise adverse impacts on amenity.

11. The detailed design of the proposed turning area at the access to the trunk road shall be submitted to, and approved in writing by Transport Scotland in consultation with the planning authority prior to the commencement of those works.

Reason: To ensure highway safety is maintained.

Ecology

12. An ecological clerk of works (**ECoW**) shall be appointed to supervise all works of construction and dismantling of the wind farm. The identity of and terms of appointment for the ECoW shall be submitted to and agreed in writing by the planning authority and they shall be employed by the wind farm developer for the periods of:

- a. wind farm construction, including site preparation, micro-siting and post-construction restoration;
- b. wind farm decommissioning and site restoration.

In relation to (a) the terms of appointment shall be submitted prior to the commencement of the development and in relation to (b), prior to the commencement of any decommissioning works.

Reason: In the interests of nature conservation and environmental protection.

13. The ECoW shall have a duty to:

(a) Undertake a review of site specific plans to inform the requirement for micro-siting, to minimise the potential for effects on otter and water vole, pine marten, red squirrel and breeding birds (particularly hen harriers and black grouse).

(b) carry out pre-construction surveys to inform the CEMP required in terms of condition 8.

(c) monitor compliance with the decommissioning and site restoration scheme required in terms of condition 5, the ecological aspects of the CEMP required in terms of Condition 8 and the drainage scheme referred to in condition 30.

The ECoW shall report promptly to the developer's nominated construction project manager (during the construction period) or decommissioning project manager (during decommissioning) any non-compliance with the decommissioning and site restoration scheme, the ecological aspects of the CEMP or the drainage scheme.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

14. Prior to the commencement of development, pre-construction surveys shall be undertaken for otter and water vole, pine marten, red squirrel and breeding birds (particularly for hen harriers and black grouse), and the findings of those surveys and any recommendations shall inform the CEMP required in terms of condition 8.

Reason: To secure mitigation commitment made in Environmental Statement to avoid or minimise any disturbance to protected species.

15. Prior to the commencement of development, a habitat management plan (HMP) shall be submitted to and approved in writing by the planning authority. The HMP shall set out proposed habitat management measures within the wind farm site during the period of construction, operation, decommissioning and restoration of the site, and shall unless otherwise agreed with the planning authority be consistent with the outline terms described in section 9.6.13 of the environmental statement. Unless otherwise agreed in advance in writing with the planning authority, the approved HMP shall be implemented in full.

Reason: In the interests of the protection and enhancement of habitats.

16. A peat management plan shall be submitted to and approved in writing by the planning authority prior to the commencement of development. The approved peat management plan shall be implemented in full for the duration of construction works, unless any intended revisions are submitted to and agreed in writing by the planning authority.

Reason: In the interest of ensuring the conservation of peat resources.

17. Any active black grouse lekking sites identified in pre-construction surveys undertaken as part of condition 14 shall be subject to a 500 metre buffer zone, within which no construction activity shall be allowed during the period of 1 hour before to 1 hour after sunrise during April and May. No construction activity will take place within 500 metres of any occupied hen harrier nest identified.

Reason: In the interests of nature conservation and to ensure that appropriate controls are applied if active black grouse lekking or hen harrier nesting sites are found.

Construction Hours and Timings

18. (1) Save as provided in 18(2) below, the hours of operation during the construction phase of the development shall be limited to 0700 hours to 1900 hours on Monday to Friday, 0850 to 1700 on Saturday, and no work shall take place on Sundays or public holidays unless previously agreed in writing by the planning authority. Piling shall not take place on Sundays or Bank holidays or during the night-time periods.
- (2) Turbine delivery and erection, commissioning, maintenance and the delivery and pouring of concrete foundations (provided that the developer notifies the planning authority of any such works within 24 hours if prior notification is not possible) may take place outside the hours specified in 18(1) above. In addition, access is permitted out with the above hours for security reasons, emergency responses or to undertake any necessary environmental controls or environmental surveys.

Reason: In the interest of residential amenity.

Turbine Appearance

19. The turbine selected and installed at the site shall not exceed the blade tip height of 126.5 meters above ground level except for turbine 1 which shall not exceed the blade tip height of 115.5 metres above ground level.

Reason: In order to ensure that the development adheres to the design parameters considered in the assessment of the proposal.

20. Prior to turbine erection, details of the wind turbine external finish and colour shall be submitted to and agreed in writing by the planning authority. Only wind turbines and a meteorological mast with the agreed finish and colour shall be installed within the development site. No illumination (with the exception of aviation safeguarding lighting required under condition 29) shall be permitted, nor shall any symbols, signs, logos, or other lettering, except as may be required by law, be applied to the turbines without the prior written agreement of the planning authority. The development shall be implemented in accordance with the agreed details.

Reason: For the avoidance of doubt and in the interest of visual amenity.

21. All turbines rotors shall rotate in the same direction.

Reason: In the interest of visual amenity.

Control building and compound details

22. Prior to the commencement of construction of the control building and substation compound, final details of the size, form and external finish of the control building and all ancillary structures shall be submitted to, and agreed in writing by, the planning authority. The development shall be implemented in accordance with the duly agreed details.

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

Aviation

23. Prior to the erection of the first wind turbine, the developer shall provide written confirmation to the Ministry of Defence of the anticipated date of commencement of, and completion of, construction; the height above ground level of the highest structure in the development; and the position of each wind turbine in latitude and longitude.

Reason: In the interests of aviation safety.

24. Prior to the erection of the first wind turbine a scheme of aviation lighting for the wind farm shall be submitted to and agreed in writing by the planning authority in consultation with the Ministry of Defence. The scheme shall include details of the infra- red aviation lighting to be applied. The turbines shall be erected with the agreed lighting installed and the lighting shall remain operational throughout the lifetime of the wind farm.

Reason: In the interests of aviation safety.

Forestry

25. Prior to the commencement of any felling activity required to construct the wind farm (a) the long term forest plan for the wind farm site and (b) details of the scheme to be put in place for any compensatory planting for any trees felled and not replanted on site which is required pursuant to the terms of the *Scottish Government Policy on the Control of Woodland*, shall be submitted to and agreed in writing by the planning authority.

The agreed scheme shall be implemented until the woodland(s) referred to within this condition are established unless otherwise agreed in writing by the planning authority. Thereafter, responsibility for ensuring on-going compliance with the UK Forest Standard will revert solely to Forestry Commission Scotland.

Reason: To ensure compliance with Scottish Government Policy on the Control of Woodland.

Tree removal and the UK Forestry Standard

26. Prior to the commencement of felling a suitably qualified professional forester shall be appointed to oversee the forestry works on the site.

Details of the volume and physical characteristics of any chipped/mulched waste that will be generated along with a management plan for this waste shall, unless otherwise agreed with the planning authority, be included as part of the CEMP (or Construction Resource Management Plan if prepared separately) to be submitted to and agreed in writing by the planning authority pursuant to condition 8 attached to this permission. Thereafter forestry works shall proceed in accordance with the details of the duly agreed forestry waste management plan.

Reason: In the interests of environmental protection and to ensure compliance with SEPA and FCS guidance on forestry wastes.

Archaeology

27. Prior to commencement of development a written scheme of archaeological investigation (WSI) shall be submitted to and agreed in writing by the planning authority. Thereafter the agreed WSI shall be fully implemented.

Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on the site.

Operational Noise Limits

28. If the Clachaig Glen appeal (PPA-130-2064) is upheld then it is recommended that the following conditions are attached to the planning consent.
1. The level of noise immissions from the combined effects of the wind turbines at Clachaig Glen wind farm (including the application of any tonal penalty) when calculated in accordance with "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise " published by the Institute of Acoustics in May 2013 (unless the guidance has been superseded in which case the procedure shall be consistent with any updated guidance endorsed by national planning policy as representing best practice or any updated guidance published by the Institute of Acoustics where guidance endorsed by national planning policy does not exist) shall not exceed the values set out in Tables 1 to 4 as

appropriate. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables below shall be those of the physically closest location listed in the tables unless otherwise agreed by the Planning Authority.

(a) **Table 1 – LA_{90,10min} dB Wind Turbine Noise Level between 07:00 and 23:00 hours Killean Windfarm NOT permitted**

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods									
	4	5	6	7	8	9	10	11	12	
Braids	40.0	40.0	40.0	40.0	40.8	43.1	45.8	49.0	52.7	
Beacharr	43.8	45.7	46.1	45.7	45.2	45.3	46.7	50.4	56.9	
North Beachmore	36.7	40.4	43.0	45.1	46.8	48.6	50.8	53.7	57.7	
North Crubasdale	35.0	36.8	39.4	41.4	43.2	45.0	47.3	50.3	54.4	
High Clachaig	39.5	41.9	43.0	43.4	43.5	44.1	45.6	48.7	54.0	
Low Clachaig	39.5	41.9	43.0	43.4	43.5	44.1	45.6	48.7	54.0	

Table 2 – LA_{90,10min} dB Wind Turbine Noise Level between 23:00 and 07:00 hours Killean Windfarm NOT permitted

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods									
	4	5	6	7	8	9	10	11	12	
Braids	43.0	43.0	43.0	43.0	43.0	44.1	47.1	50.7	50.7	
Beacharr	44.8	44.7	44.9	45.3	45.9	46.9	48.3	50.1	52.3	
North Beachmore	43.0	43.0	44.5	45.6	46.6	47.8	49.8	53.2	58.4	
North Crubasdale	43.0	43.0	43.0	43.0	43.4	44.4	46.2	49.1	53.8	
High Clachaig	43.0	43.0	43.5	43.7	43.7	44.0	45.1	47.7	52.3	
Low Clachaig	43.0	43.0	43.5	43.7	43.7	44.0	45.1	47.7	52.3	

Table 3 – LA_{90,10min} dB Wind Turbine Noise Level between 07:00 and 23:00 hours Killean Windfarm permitted

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods									
	4	5	6	7	8	9	10	11	12	
Braids	30.3	30.3	30.8	32.5	32.8	33.4	36.1	39.3	43.0	
Beacharr	42.5	44.4	44.8	44.4	43.9	44.0	45.4	49.1	55.6	
North Beachmore	36.0	39.7	42.3	44.4	46.1	47.9	50.1	53.0	57.0	
North Crubasdale	34.2	36.0	38.6	40.6	42.4	44.2	46.5	49.5	53.6	
High Clachaig	39.5	41.9	43.0	43.4	43.5	44.1	45.6	48.7	54.0	
Low Clachaig	39.5	41.9	43.0	43.4	43.5	44.1	45.6	48.7	54.0	

Table 4 – LA_{90,10min} dB Wind Turbine Noise Level between 23:00 and 07:00 hours Killean Windfarm permitted

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods									
	4	5	6	7	8	9	10	11	12	
Braids	33.3	33.3	33.3	33.3	33.3	34.4	37.4	41.0	41.0	
Beacharr	43.5	43.4	43.6	44.0	44.6	45.6	47.0	48.8	51.0	
North Beachmore	42.3	42.3	43.8	44.9	45.9	47.1	49.1	52.5	57.7	
North Crubasdale	42.2	42.2	42.2	42.2	42.6	43.6	45.4	48.3	53.0	
High Clachaig	43.0	43.0	43.5	43.7	43.7	44.0	45.1	47.7	52.3	
Low Clachaig	43.0	43.0	43.5	43.7	43.7	44.0	45.1	47.7	52.3	

Table 5 – Coordinates of properties listed in Tables 1 to 4

Location	Eastings	Northings
Braids	171851	644762
Beacharr	169345	643214
North Beachmore	168900	641964
North Crubasdale	168734	641141
High Clachaig	169985	640844
Low Clachaig	169494	640379

2. Prior to the installation of any turbines the developer shall submit a report for approval by the Planning Authority which demonstrates compliance with the noise limits in part 1 above. The report shall include details of any proposed noise reduction measures and be prepared with reference to the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 and associated supplementary guidance notes.
3. Within 21 days from the receipt of a written request from the Planning Authority or following a complaint to the Planning Authority from the occupant of a dwelling the wind turbine operator shall, at the wind turbine operator's expense, employ an independent consultant approved by the Planning Authority to assess the level of noise immissions from the wind turbines at the complainant's property following procedures to be agreed with the Planning Authority in accordance with "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise " published by the Institute of Acoustics in May 2013 (unless the guidance has been superseded in which case the procedure shall be consistent with any updated guidance endorsed by national planning policy as representing best practice or any updated guidance published by the Institute of Acoustics where guidance endorsed by national planning policy does not exist).
4. The wind turbine operator shall provide to the Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 2 months of the date of the written request of the Planning Authority unless otherwise extended in writing by the Planning Authority. The wind turbine operator shall take such remedial action required to meet the noise immission values set out in Tables 1 to 4 as appropriate.
5. Wind speed, wind direction and power generation data shall be continuously logged and provided to the Planning Authority in a format to be agreed at its request and within 28 days of such a request. Such data shall be retained by the operator for a period of not less than 12 months.
6. No development shall commence until there has been submitted to the Planning Authority details of a nominated representative for the development to act as a point of contact for local residents (in connection with parts 1 - 5) together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with the Planning Authority in connection with any noise complaints made during the construction, operation and decommissioning of the wind turbines.

Reason: to protect nearby residents from undue noise disturbance.

External Lighting

29. Details of any external lighting to be used within the site and along its access during construction shall be submitted to, and agreed in writing by, the planning authority prior to the use of any such lighting. Such information shall include details of the location, type and angle of direction and wattage of each light, which shall be positioned and angled where practicable to prevent any glare or light spillage out with the site boundary. No external lighting shall be used after the first export date unless otherwise agreed in writing by the planning authority.

Reason: In order to avoid the potential of light pollution infringing on surrounding land uses and properties taking into account the guidance in respect of intrinsically dark areas.

Drainage Strategy

30. No development shall commence until a drainage strategy has been submitted to and approved in writing by the planning authority in consultation with SEPA. The drainage strategy will set out details in respect of permanent and temporary drainage measures, including sustainable drainage system (SuDS) design concept including run-off and sediment control measures, any flood risk management measures, details of any watercourse engineering works and foul drainage arrangements.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity in the area.

Borrow Pits

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

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

INFORMATIVE

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

- (a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the

measurements shall be undertaken at the approved alternative representative measurement location.

- (c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.
- (e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.
- (f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

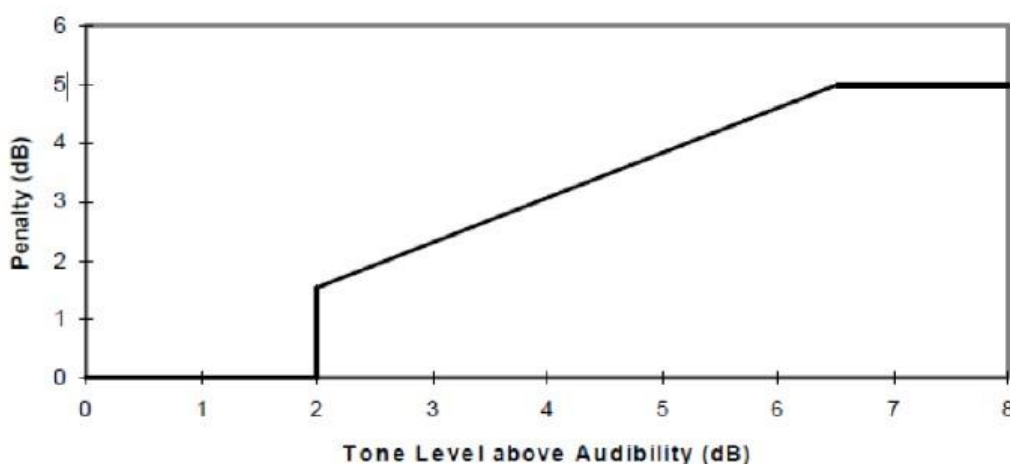
- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

- (a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10

minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

- (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.
- (e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

APPENDIX 4: ARGYLL AND BUTE COUNCIL APPROPRIATE ASSESSMENT

HABITATS REGULATIONS APPROPRIATE ASSESSMENT - RELATIVE TO APPLICATION NUMBER: 16/01313/PP

Note: Appropriate Assessment relates to 'Designations' rather than 'Species'. As there are no Golden Eagle SPA's close to/on the site, although they are an Annex 1 protected species which frequent the area, they are not required to be included in this Appropriate Assessment.

The proposal is 4km from the Kintyre Goose Roosts Special Protection Area (SPA), Kintyre Goose Lochs Site of Special Scientific Interest (SSSI) and Kintyre Goose Roosts Ramsar site. all classified for wintering Greenland white-fronted geese. The status of the SPA designated under European legislation for its internationally important wintering population of Greenland white-fronted goose (*Anser albifrons flavirostris*) means that the requirements of the Conservation (Natural Habitats & c.) Regulations 1994 as amended (the "Habitats Regulations") apply, or (for reserved matters), the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, the Council is required to consider the effect of the proposal on the SPA before it can be approved (commonly known as Habitats Regulations Appraisal).

SNH have advised the Council in this matter and have taken the view that this proposal has potential to have a significant effect on the Greenland white-fronted goose qualifying interest(s) of the site. In these circumstances, in accordance with the aforementioned regulations, an 'appropriate assessment' is required to be carried out by the Council in its capacity as 'competent authority', in view of the site's conservation objectives for its qualifying interest(s).

The appraisal SNH carried out considered the impact of the proposal on the following factors:

Is the plan or project directly connected with or necessary to site management for nature conservation? - This is a wind farm proposal which is not connected with or necessary to site management of any of the SPA lochs for nature conservation.

Is the plan or project (either alone or in combination with other plans or projects) likely to have a significant effect on the site? - There is likely significant effect on the Greenland white-fronted goose interest feature of the Kintyre Goose Roosts SPA. This is because the distance to turbines is within the known foraging range of the geese. Kintyre Goose Lochs SSSI and Kintyre Goose Roosts Ramsar site may also be affected but any concerns about the interests of these designations are fully addressed as part of the following consideration of the SPA.

SNH has concluded that the proposal is likely to have a significant effect on the SPA site.

Can it be ascertained that the proposal will not adversely affect the integrity of the site?

SNH concludes that, in their view, based on the information provided and appraisal carried out to date, the proposal will not adversely affect the integrity of the site. No flights by Greenland white-fronted geese were recorded within 500m of the proposed turbine

locations. There is therefore a very low risk of collisions. Greenland whitefronted goose flight activity was found to be mostly following the glen to the southeast of the site and to the north of the site. The proposed turbine array avoids those flight line areas. No geese were recorded feeding or roosting in or near the proposed site and so there is also a very low likelihood of any displacement and disturbance effects.

SNH advise that there would be no adverse effect on the Kintyre Goose Roosts Special Protection Area (SPA). Their position is endorsed by the RSPB who likewise indicate their opinion for the requirement for 'appropriate assessment' but advise of their conclusion that the impacts are unlikely to be significant in this case. In circumstances where the applicant's assessment accords with the views expressed in consultation responses by both SNH and the RSPB it can be concluded that there is an absence of 'reasonable scientific doubt' in this case and that Habitats Directive interests will be safeguarded by this proposal.

Consultation advice from SNH and RSPB has informed the Council's conclusion in the matter, which is that it has been demonstrated that this proposal will not adversely affect the integrity of the SPA and that the proposal will not adversely affect the integrity of the site for the qualifying interests.

APPENDIX 5: RECOMMENDED PLANNING CONDITIONS

DEFINED TERMS

CEMP	means the Construction and Environment Management Plan to be submitted to and approved by the planning authority pursuant to planning condition 8.
Commencement of Development	means the initiation of development pursuant to the planning permission by the carrying out of a material operation within the meaning of section 27(2) of the Town and Country Planning (Scotland) Act 1997 as amended, but excluding Permitted Preliminary Works.
Date of Final Commissioning	means the earlier of (i) the date on which commissioning and performance testing of the last of the turbines forming part of the Development is certified as complete and full commercial operation of the Development begins following the issue of a take-over certificate; or (ii) the date falling thirty six months from the date of Commencement of Development.
Development	means the wind powered generating station and ancillary development described in the planning permission.
ES	means the Environmental Statement submitted in May 2016 (as updated).
Permitted Preliminary Works	means (i) any site investigation or other preparatory works or surveys required for the purpose of satisfying or discharging any pre-commencement obligations under the planning conditions, and (ii) the provision of any temporary contractors' facilities within the Site which are necessary for (i) above.
Site	means the area of land outlined in red on Figure 1 (HC_160506_PA1) of the ES;

1. The development shall be undertaken in accordance with the application dated 18 May 2016 and planning drawings listed below except insofar as amended by the terms of and conditions attached to this permission. The approved planning drawings are:

- HC_160506_PA1 (*Figure 1, Location and Site Plan*)
- HC_160503_PA2 (*Figure 2, Turbine Model*)
- HC_160506_PA3 (*Figure 3, Site Entrance*)
- HC_160420_PA4 (*Figure 4, Permanent Anemometer Mast*)
- HC_160506_PA6 (*Figure 6a, Control Building and Substation Compound*)

Reason: to ensure the development is carried out in accordance with the approved drawings.

Timing and Operation

2. This planning permission shall lapse on the expiration of a period of five years from the date of this decision notice, unless development has begun within that period.

Reason: to apply a reasonable time limit on implementation.

3. The permission for the development (excluding the access tracks) shall expire after a period of 26 years beginning on the date when electricity is first exported commercially to the electricity grid network, following commissioning of any of the wind turbines ('first export date'). Written confirmation of the first export date shall be provided to the planning authority within 1 month of the first export date.

Reason: in recognition of the expected lifespan of the wind farm.

4. If any turbine fails to supply electricity to the grid for a continuous period of 12 months then, unless the turbine is in the process of being repaired or replaced or otherwise agreed in writing by the planning authority, a scheme for the removal of the wind turbine and any surface ancillary works solely relating to that wind turbine should be submitted in writing to the planning authority within 18 months of the turbine first ceasing to supply electricity. The approved scheme shall thereafter be fully implemented in accordance with the agreed timescales.

Reason: to ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

Decommissioning

5. Not later than 12 months before intended decommissioning, or the end of this permission as stated in condition 3, whichever is sooner, a decommissioning and site restoration scheme shall be submitted to and agreed in writing by the planning authority. Such a scheme shall include the removal of above-ground elements of the development (excluding the access tracks which will be left in situ unless otherwise agreed with the planning authority), the management and timing of any works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The scheme shall be implemented in accordance with such timescales and measures as may be agreed by the planning authority.

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

6. No turbine shall be erected (including formation of turbine foundations) as allowed for by this planning permission until details of the financial provision to be put in place to cover the full cost of decommissioning and site restoration have been submitted to the planning authority. Following approval by the planning authority of the proposed financial provision, documentary evidence shall be provided to the planning authority to confirm these provisions are in place and, thereafter, the provision must be kept in place until site decommissioning and restoration is complete in accordance with condition 5.

The value of the financial provision shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in condition 5. The value of the financial provision shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations.

Reason: to guarantee the restoration of the site following cessation of the development.

Micro-Siting

7. All infrastructure comprised in the development shall be erected, constructed or formed in the positions indicated on approved drawing HC_160506_PA1_v4 save that without further recourse to the planning authority, the final as built position of (a) any turbine and associated crane pad, the met mast and access track may vary by up to 50 metres in any direction and (b) the control building, substation compound and temporary construction compound may vary by up to 100 metres in any direction, provided that any such variation does not infringe any requirement of any other condition attached to this permission.

Unless approved by the ECoW (appointed under condition 12), any micro-siting under this condition shall not result in:

- a. any infrastructure being located in areas of peat with a depth in excess of 2 metres;
- b. other than watercourse crossings, any infrastructure within 50 metres of any existing watercourses;
- c. new access tracks being located within 100 metres of any existing private water supplies; or,
- d. infrastructure (other than new access tracks) within 250 metres of any existing private water supplies.

Reason: to provide flexibility to take account of local ground conditions as provided for and assessed in the ES.

Construction Environmental Management Plan

8. No development shall commence until a construction and environmental management plan (CEMP), incorporating mitigation measures specified within the Environmental Statement, has been submitted to and agreed in writing by the planning authority. The required documents shall address the following:
- a. Construction Resource Management Plan (addressing site waste including details setting out how any forestry waste will be managed);
 - b. Dust management including cleaning arrangements for the site entrance and the adjacent public road (the A83);
 - c. Pollution prevention and control measures;

- d. Arrangements for on-site storage of fuel and other chemicals;
- e. Details of temporary site illumination;
- f. Details of the methods to be adopted to limit the effects of noise occurring during the construction period; and,
- g. Post-construction restoration/reinstatement of the temporary working areas within the site.
- h. pre-construction surveys for species as set out in the Environmental Statement for otter and water vole, pine marten, red squirrel and breeding birds (in particular for hen harriers and black grouse).
- i. Details of access arrangements for the Kintyre Way during the period of construction.
- j. Details of temporary water and foul drainage arrangements.
- k. Details of any water course engineering works including any stream crossings;

The agreed CEMP shall thereafter be fully implemented.

Reason: to set out the detailed site development methodology including measures to control pollution of air, land and water and to ensure full consideration of all consequential effects arising during the construction period.

Traffic and Site Entrance

- 9. Development shall not commence until a traffic management plan (TMP) has been submitted to, and agreed in writing by, the planning authority either for a specified sub-phase of construction or for the whole phase if the required information is available.

The TMP shall include information on materials (including details of any quarries being used to source road construction materials), plant, equipment, components and labour required during construction as well as details of escorts for abnormal loads, access and egress arrangements for abnormal loads, concrete wagons and heavy goods vehicles (including potential out of hours deliveries) and a local signage scheme, the scheduling and timing of abnormal load movements, pre and post construction surveys, and a programme and methodology for any repairs as a consequence of any damage caused by construction traffic.

The works shall then be carried out in accordance with the agreed TMP.

Reason: to ensure that all necessary information is made available regarding construction traffic arriving at the site and how this will then be managed to minimise adverse impacts on residents and local businesses in the area.

10. The proposed route for any abnormal loads on the trunk road network will be approved by the planning authority following consultation with Transport Scotland prior to the movement of any abnormal load. Any accommodation measures required (including the removal of street furniture, junction widening, or traffic management measures on the trunk road network) will be approved in advance by the planning authority in consultation with Transport Scotland and will be undertaken by a recognised Quality Assured traffic management consultant.

Reason: to ensure that all necessary information is made available regarding abnormal load routing and accommodation measures and how this will be managed to minimise adverse impacts on amenity.

11. The detailed design of the proposed turning area at the access to the trunk road shall be submitted to, and approved in writing by the planning authority in consultation with Transport Scotland prior to the commencement of those works.

Reason: to ensure highway safety is maintained.

Ecology

12. An ecological clerk of works (ECoW) shall be appointed to supervise all works of construction and dismantling of the wind farm. The identity of and terms of appointment for the ECoW shall be submitted to and agreed in writing by the planning authority and they shall be employed by the wind farm developer for the periods of:
 - a. wind farm construction, including site preparation, micro-siting and post- construction restoration; and,
 - b. wind farm decommissioning and site restoration.

In relation to (a) the terms of appointment shall be submitted prior to the commencement of the development and in relation to (b), prior to the commencement of any decommissioning works.

The terms of appointment shall require the clerk of works to:

- review site specific plans to inform the requirement for micro-siting, to minimise the potential for effects on otter and water vole, pine marten, red squirrel and breeding birds (particularly hen harriers and black grouse).
- carry out pre-construction surveys to inform the CEMP.
- monitor compliance with the decommissioning and site restoration scheme required in terms of condition 5, the ecological aspects of the CEMP required in terms of condition 8, the habitats management plan required in terms of condition 13, the peat management plan required in terms of condition 14 and the drainage scheme referred to in condition 30.
- report to the Company's nominated construction project manager any incidences of non-compliance at the earliest practical opportunity;

- submit a monthly report to the planning authority summarising works undertaken on site; and,
- report to the planning authority any incidences of noncompliance at the earliest practical opportunity.

Reason: to secure effective monitoring of and compliance in the interests of nature conservation and environmental protection.

13. Prior to the commencement of development, a habitat management plan (HMP) shall be submitted to and approved in writing by the planning authority. The HMP shall set out proposed habitat management measures within the wind farm site during the period of construction, operation, decommissioning and restoration of the site, and shall unless otherwise agreed with the planning authority be consistent with the outline terms described in section 9.6.13 of the environmental statement. Unless otherwise agreed in advance in writing with the planning authority, the approved HMP shall be implemented in full.

Reason: in the interests of the protection and enhancement of habitats.

14. A peat management plan shall be submitted to and approved in writing by the planning authority prior to the commencement of development. The approved peat management plan shall be implemented in full for the duration of construction works, unless any intended revisions are submitted to and agreed in writing by the planning authority.

Reason: in the interest of ensuring the conservation of peat resources.

15. Any active black grouse lekking sites identified in pre-construction surveys undertaken as part of condition 14 shall be subject to a 500 metre buffer zone, within which no construction activity shall be allowed during the period of 1 hour before to 1 hour after sunrise during April and May. No construction activity will take place within 500 metres of any occupied hen harrier nest identified.

Reason: in the interests of nature conservation and to ensure that appropriate controls are applied if active black grouse lekking or hen harrier nesting sites are found.

Construction Hours and Timings

16. (1) Save as provided in 16(2) below, the hours of operation during the construction phase of the development shall be limited to 0700 hours to 1900 hours on Monday to Friday, 0900 to 1700 on Saturday, and no work shall take place on Sundays or public holidays unless previously agreed in writing by the planning authority. Piling shall not take place on Sundays or Bank holidays or during the night-time periods.

(2) Turbine delivery and erection, commissioning, maintenance and the delivery and pouring of concrete foundations (provided that the developer notifies the planning authority of any such works within 24 hours if prior notification is not possible) may take place outside the hours specified in 18(1) above. In addition, access is

permitted out with the above hours for security reasons, emergency responses or to undertake any necessary environmental controls or environmental surveys.

Reason: in the interest of residential amenity.

Turbine appearance

17. The turbine selected and installed at the site shall not exceed the blade tip height of 126.5 meters above ground level except for turbine 1 which shall not exceed the blade tip height of 115.5 metres above ground level.

Reason: in order to ensure that the development adheres to the design parameters considered in the assessment of the proposal.

18. Prior to turbine erection, details of the wind turbine external finish and colour shall be submitted to and agreed in writing by the planning authority. Only wind turbines and a meteorological mast with the agreed finish and colour shall be installed within the development site. No illumination (with the exception of aviation safeguarding lighting required under condition 23) shall be permitted, nor shall any symbols, signs, logos, or other lettering, except as may be required by law, be applied to the turbines without the prior written agreement of the planning authority. The development shall be implemented in accordance with the agreed details.

Reason: for the avoidance of doubt and in the interest of visual amenity.

19. All turbines rotors shall rotate in the same direction.

Reason: in the interest of visual amenity.

Control building and compound details

20. Prior to the commencement of construction of the control building and substation compound, final details of the size, form and external finish of the control building and all ancillary structures shall be submitted to, and agreed in writing by, the planning authority. The development shall be implemented in accordance with the duly agreed details.

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

Aviation

21. Prior to the erection of the first wind turbine, the developer shall provide written confirmation to the Civil Aviation Authority and the Ministry of Defence of the anticipated date of commencement of, and completion of, construction; the height above ground level of the highest structure in the development; and the position of each wind turbine in latitude and longitude.

Reason: in the interests of aviation safety.

22. Prior to the erection of the first wind turbine a scheme of aviation lighting for the wind farm shall be submitted to and agreed in writing by the planning authority in

consultation with the Ministry of Defence. The turbines shall be erected with the agreed lighting installed and the lighting shall remain operational throughout the lifetime of the wind farm.

Reason: in the interests of aviation safety.

Television reception

23. There shall be no Commencement of Development unless a Television Reception Mitigation Plan has been submitted to, and approved in writing by, the planning authority. The Television Reception Mitigation Plan shall provide for a baseline television reception survey to be carried out prior to the installation of any turbine forming part of the Development, the results of which shall be submitted to the planning authority.

The approved Television Reception Mitigation Plan shall thereafter be implemented in full.

Any claim by any individual person regarding television picture loss or interference at their house, business premises or other building, made during the period from installation of any turbine forming part of the Development to the date falling twelve months after the date of Final Commissioning, shall be investigated by a qualified engineer appointed by the Company and the results shall be submitted to the planning authority. Should any impairment to the television signal be attributable to the Development, the Company shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline television reception.

Reason: to ensure local television services are sustained during the construction and operation of this development.

Forestry

24. Prior to the commencement of any felling activity required to construct the wind farm (a) the long term forest plan for the wind farm site and (b) details of the scheme to be put in place for any compensatory planting for any trees felled and not replanted on site which is required pursuant to the terms of the Scottish Government Policy on the Control of Woodland, shall be submitted to and agreed in writing by the planning authority.

The scheme shall include replanting proposals for those trees lost during the construction work associated with the realignment of the road access and haul road.

The agreed scheme shall be implemented until the woodland(s) referred to within this condition are established unless otherwise agreed in writing by the planning authority. Thereafter, responsibility for ensuring on-going compliance with the UK Forest Standard will revert solely to Forestry Commission Scotland.

Reason: to ensure compliance with Scottish Government Policy on the Control of Woodland and to maintain the setting the of the listed 'Dolls houses' in the long term.

Tree removal and the UK Forestry Standard

25. Prior to the commencement of felling a suitably qualified professional forester shall be appointed to oversee the forestry works on the site.

Details of the volume and physical characteristics of any chipped/mulched waste that will be generated along with a management plan for this waste shall, unless otherwise agreed with the planning authority, be included as part of the CEMP (or Construction Resource Management Plan if prepared separately) to be submitted to and agreed in writing by the planning authority pursuant to condition 8 attached to this permission. Thereafter forestry works shall proceed in accordance with the details of the duly agreed forestry waste management plan.

Reason: in the interests of environmental protection and to ensure compliance with Scottish Environment Protection Agency and Forestry Commission Scotland guidance on forestry wastes.

Archaeology

26. Prior to commencement of development a written scheme of archaeological investigation shall be submitted to and agreed in writing by the planning authority. Thereafter the agreed scheme shall be fully implemented.

Reason: to enable the opportunity to identify and examine any items of archaeological interest which may be found on the site.

Operational Noise Limits

27. The following noise conditions will apply:

1. The level of noise immissions from the combined effects of the wind turbines at Clachaig Glen wind farm (including the application of any tonal penalty) when calculated in accordance with “A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise “ published by the Institute of Acoustics in May 2013 (unless the guidance has been superseded in which case the procedure shall be consistent with any updated guidance endorsed by national planning policy as representing best practice or any updated guidance published by the Institute of Acoustics where guidance endorsed by national planning policy does not exist) shall not exceed the values set out in Tables 1 to 4 as appropriate. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables below shall be those of the physically closest location listed in the tables unless otherwise agreed by the planning authority.

**Table 1 – LA_{90,10min} dB Wind Turbine Noise Level between 07:00 and 23:00 hours
Killean Windfarm NOT permitted**

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods								
	4	5	6	7	8	9	10	11	12
Braids	40.0	40.0	40.0	40.0	40.8	43.1	45.8	49.0	52.7
Beacharr	43.8	45.7	46.1	45.7	45.2	45.3	46.7	50.4	56.9
North Beachmore	36.7	40.4	43.0	45.1	46.8	48.6	50.8	53.7	57.7
North Crubasdale	35.0	36.8	39.4	41.4	43.2	45.0	47.3	50.3	54.4
High Clachaig	39.5	41.9	43.0	43.4	43.5	44.1	45.6	48.7	54.0
Low Clachaig	39.5	41.9	43.0	43.4	43.5	44.1	45.6	48.7	54.0

**Table 2 – LA_{90,10min} dB Wind Turbine Noise Level between 23:00 and 07:00 hours Killean
Windfarm NOT permitted**

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods								
	4	5	6	7	8	9	10	11	12
Braids	43.0	43.0	43.0	43.0	43.0	44.1	47.1	50.7	50.7
Beacharr	44.8	44.7	44.9	45.3	45.9	46.9	48.3	50.1	52.3
North Beachmore	43.0	43.0	44.5	45.6	46.6	47.8	49.8	53.2	58.4
North Crubasdale	43.0	43.0	43.0	43.0	43.4	44.4	46.2	49.1	53.8
High Clachaig	43.0	43.0	43.5	43.7	43.7	44.0	45.1	47.7	52.3
Low Clachaig	43.0	43.0	43.5	43.7	43.7	44.0	45.1	47.7	52.3

**Table 3 – LA_{90,10min} dB Wind Turbine Noise Level between 07:00 and 23:00 hours Killean
Windfarm permitted**

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods								
	4	5	6	7	8	9	10	11	12
Braids	30.3	30.3	30.8	32.5	32.8	33.4	36.1	39.3	43.0
Beacharr	42.5	44.4	44.8	44.4	43.9	44.0	45.4	49.1	55.6
North Beachmore	36.0	39.7	42.3	44.4	46.1	47.9	50.1	53.0	57.0
North Crubasdale	34.2	36.0	38.6	40.6	42.4	44.2	46.5	49.5	53.6
High Clachaig	39.5	41.9	43.0	43.4	43.5	44.1	45.6	48.7	54.0
Low Clachaig	39.5	41.9	43.0	43.4	43.5	44.1	45.6	48.7	54.0

**Table 4 – LA_{90,10min} dB Wind Turbine Noise Level between 23:00 and 07:00 hours Killean
Windfarm permitted**

Location	Standardised wind speed (m/s) at 10m height within the site averaged over 10 minute periods								
	4	5	6	7	8	9	10	11	12
Braids	33.3	33.3	33.3	33.3	33.3	34.4	37.4	41.0	41.0
Beacharr	43.5	43.4	43.6	44.0	44.6	45.6	47.0	48.8	51.0
North Beachmore	42.3	42.3	43.8	44.9	45.9	47.1	49.1	52.5	57.7
North Crubasdale	42.2	42.2	42.2	42.2	42.6	43.6	45.4	48.3	53.0
High Clachaig	43.0	43.0	43.5	43.7	43.7	44.0	45.1	47.7	52.3
Low Clachaig	43.0	43.0	43.5	43.7	43.7	44.0	45.1	47.7	52.3

Table 5 – Coordinates of properties listed in Tables 1 to 4

Location	Eastings	Northings
Braids	171851	644762
Beacharr	169345	643214
North Beachmore	168900	641964
North Crubasdale	168734	641141
High Clachaig	169985	640844
Low Clachaig	169494	640379

2. Prior to the installation of any turbines the developer shall submit a report for approval by the planning authority which demonstrates compliance with the noise limits in part 1 above. The report shall include details of any proposed noise reduction measures and be prepared with reference to the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 and associated supplementary guidance notes.
3. Within 21 days from the receipt of a written request from the planning authority or following a complaint to the Planning Authority from the occupant of a dwelling the wind turbine operator shall, at the wind turbine operator's expense, employ an independent consultant approved by the Planning Authority to assess the level of noise immissions from the wind turbines at the complainant's property following procedures to be agreed with the planning authority in accordance with "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise " published by the Institute of Acoustics in May 2013 (unless the guidance has been superseded in which case the procedure shall be consistent with any updated guidance endorsed by national planning policy as representing best practice or any updated guidance published by the Institute of Acoustics where guidance endorsed by national planning policy does not exist).
4. The wind turbine operator shall provide to the planning authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 2 months of the date of the written request of the planning authority unless otherwise extended in writing by the planning authority. The wind turbine operator shall take such remedial action required to meet the noise immission values set out in Tables 1 to 4 as appropriate.
5. Wind speed, wind direction and power generation data shall be continuously logged and provided to the planning authority in a format to be agreed at its request and within 28 days of such a request. Such data shall be retained by the operator for a period of not less than 12 months.
6. No development shall commence until there has been submitted to the planning authority details of a nominated representative for the development to act as a point of contact for local residents (in connection with parts 1 - 5) together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with the planning authority in connection with any noise complaints made during the construction, operation and decommissioning of the wind turbines.

Reason: to protect nearby residents from undue noise disturbance.

External Lighting

28. Details of any external lighting to be used within the site and along its access during construction shall be submitted to, and agreed in writing by, the planning authority prior to the use of any such lighting. Such information shall include details of the location, type and angle of direction and wattage of each light, which shall be positioned and angled where practicable to prevent any glare or light spillage

out with the site boundary. No external lighting shall be used after the first export date unless otherwise agreed in writing by the planning authority.

Reason: in order to avoid the potential of light pollution infringing on surrounding land uses and properties taking into account the guidance in respect of intrinsically dark areas.

Drainage Strategy

29. No development shall commence until a drainage strategy has been submitted to and approved in writing by the planning authority in consultation with Scottish Environment Protection Agency. The drainage strategy will set out details in respect of permanent and temporary drainage measures, including sustainable drainage system design concept including run-off and sediment control measures, any flood risk management measures, details of any watercourse engineering works and foul drainage arrangements. Thereafter the agreed Drainage Strategy shall be fully implemented.

Reason: to ensure the provision of an acceptable drainage system in the interests of the amenity in the area.

30. No development shall commence until a scheme for risk assessment, appraisal and any mitigation work to private water supplies in the vicinity of the development has been submitted to and approved in writing by the planning authority. Thereafter the agreed scheme and any mitigation works shall be fully implemented.

Reason: to ensure that there is no impact on private water supplies in the area.

Borrow Pits

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

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

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

- (a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated

in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

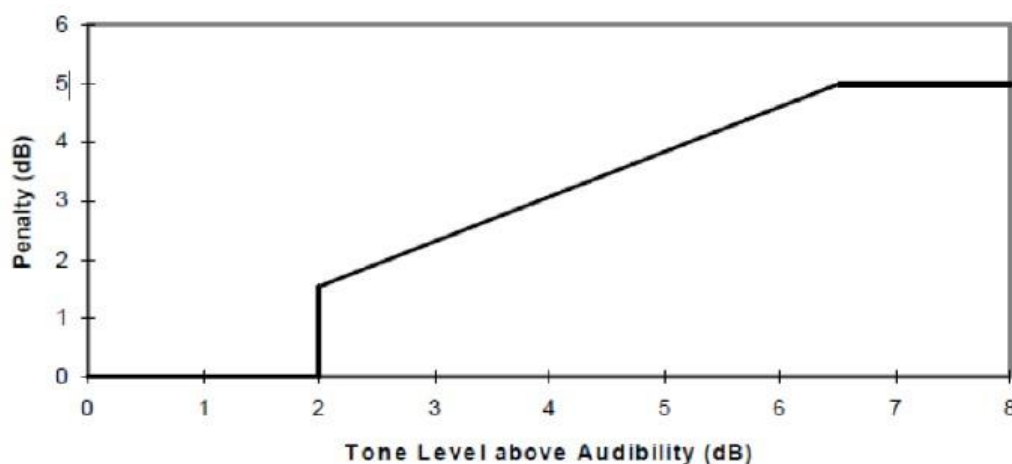
- (b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the planning authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90,10 minute measurements should be synchronised with measurements of the 10- minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the planning authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.
- (e) Data provided to the planning authority in accordance with the noise condition shall be provided in comma separated values in electronic format.
- (f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the planning authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the L_{A90,10 minute} noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

- (a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.
- (e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the planning authority in its written protocol under paragraph (d) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise

conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- (e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the planning authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.
- (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

- (g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- (h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the planning authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the planning authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.