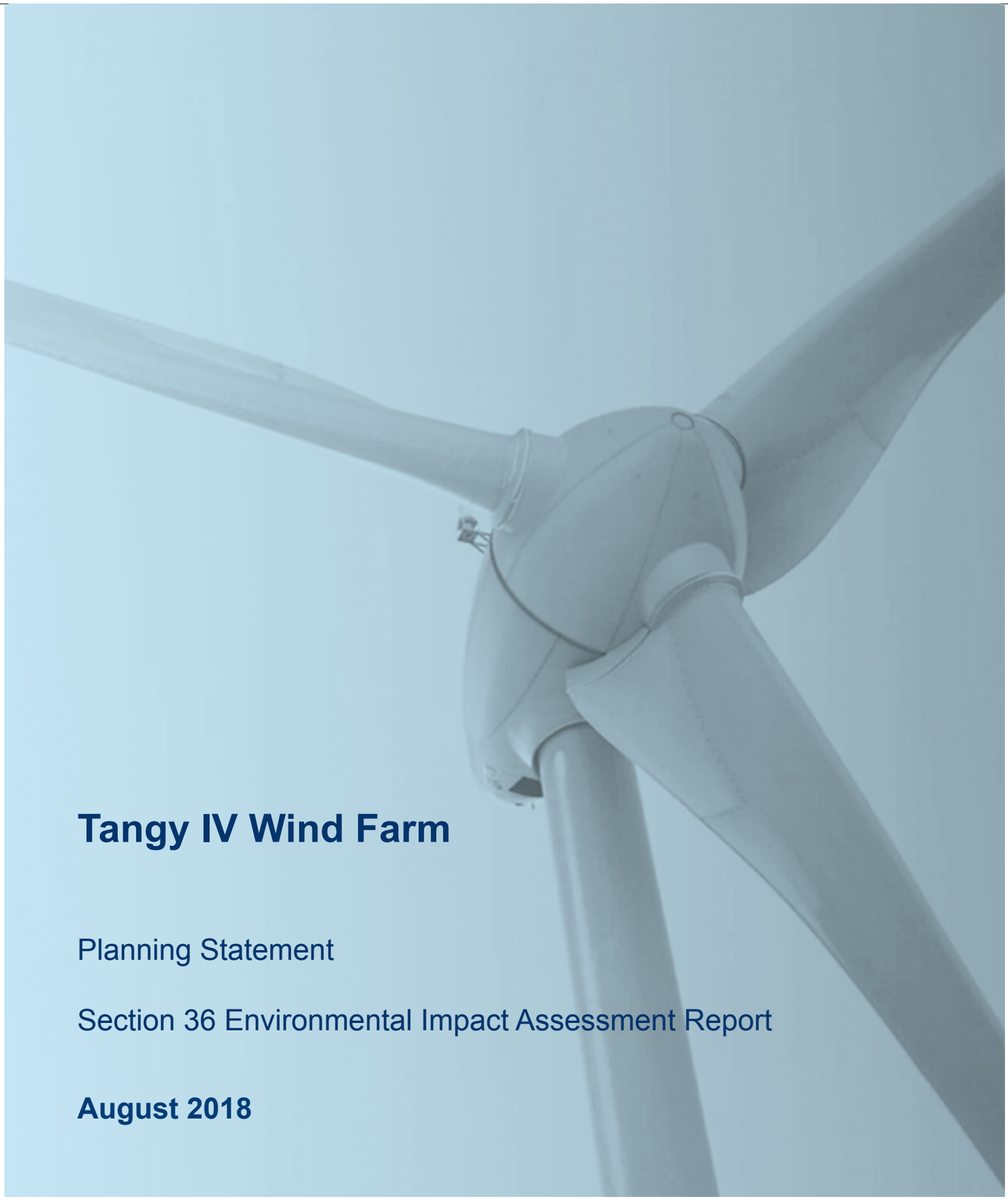

Tangy IV Wind Farm

Planning Statement

Section 36 Environmental Impact Assessment Report

August 2018

PLANNING STATEMENT

EXECUTIVE SUMMARY

This Planning Statement considers an application for the proposed Tangy IV Windfarm which comprises 16 turbines and associated infrastructure, with a generation capacity greater than 50 megawatts (MW). The application is categorised as a 'Schedule 2' development under the Electricity Works (Environmental Impact Assessment (Scotland) Regulations 2017 (the EIA Regulations).

The proposals form part of the applicant's ambitions to extend and repower the existing Tangy I and II. The existing 22 turbines would be replaced with 16 turbines with a maximum tip height of up to 149.9m.

A S.42 application (18/01027/PP) to vary conditions 1, 6 and 16 of planning permission (14/02969/PP) has recently been reported to the Argyll and Bute Council Planning Committee and conditionally approved. This application proposed 15 turbines up to 130 m. The turbines included in the proposed Tangy IV development are higher to meet technological needs, but it is considered that similar support should be given.

The Planning Officers Report of Handling notes: "*It has been operational for many years and appears to have become an accepted feature in the landscape of South Kintyre, as the general absence of objectors in this and previous cases seems to confirm*." It is noted further in support that: "*from a landscape & visual Impact perspective this proposal will result in a more compact, less cluttered layout (15, 130 metre high turbines instead of 22, 77 metres high)*."

The landscape character assessment has identified that the majority of landscape effects in relation to the proposed development would be not significant. No significant effects are anticipated in relation to landscape designations. Potential significant effects have been identified for two of the six LCTs which make up the 11km study area: Bay Farmland and Upland Forest-Moor Mosaic.

Paragraph 8.13.1 concludes: "*These effects are anticipated to result from the increased appearance of the larger turbines on the southern edge of the forested upland core of Kintyre which forms a context and backdrop to surrounding agricultural fringes, foothills and valleys, and the low-lying landscape of Aros Moss. However, effects are considered to be Moderate and Significant as the proposed development is anticipated to be noticeable and locally intrusive, rather than a dominating feature. These effects would be limited to a radius of around 8 km from the proposed development, and are mostly within a 6 km radius. Beyond this distance all effects are anticipated to be minor or below and would be not significant."*

In respect of Cultural Heritage a residual significant effect is predicted for Killocraw Cairn (Site 21) and Tangy Loch Fortified Dwelling (Site 27). Although significant it is however considered that the effect would not be at a level that could threaten the protection of the asset.

The EIA Report notes that the proposed development is not within areas designated for ecological protection (international, national or local) or within a national landscape policy designation area. Furthermore there are no Scheduled Monuments within the site boundary.

The EIA report concludes that no significant effects are predicted in respect of ornithology, ecology and nature conservation, geology, soil and peat, surface water, noise and transport, aviation or shadow flicker. A moderate and locally significant socio-economic benefit is predicted.

In respect of Scottish Government policy, The Scottish Government (2018) Climate Change Plan outlines a new interim target of reducing greenhouse gas emissions by 66% by 2032 against the baseline. The EIA report confirms that the expected carbon payback time for the development, with reference to a grid-mix of electricity is 1.8 years. As part of the development up to 61 MW of additional generation capacity could be provided which will contribute to Scottish Government targets.

Overall, it is considered that the development is in accordance with national policy, the local development plan and the Council's Supplementary Guidance. Furthermore, the site has been operational for 15 years and is an excellent example of the type of location where the technology can operate efficiently.

1. INTRODUCTION

1.1.1 An application for planning consent under Section 36 of the Electricity Act 1989 for a wind farm (Tangy IV) located on the west coast of the Kintyre Peninsula, Argyll and Bute, Scotland was submitted to the Scottish Ministers via the Energy Consents and Deployment Unit (ECDU) in September 2018.

1.1.2 The application submitted by SSE Generation Limited is accompanied by an Environmental Impact Assessment Report (EIA Report), prepared by SSE Renewables Developments UK Ltd, in accordance with the relevant provisions of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (referred to together as 'the EIA Regulations'). This planning statement does not form part of the EIA Report.

1.1.3 The applicant proposes to repower and extend the existing Tangy I and Tangy II Wind Farms, replacing the existing 22 turbines with a 16 turbine wind farm with a maximum tip height up to, but not exceeding 149.9m.

1.1.4 The proposed site layout of the proposed development is shown on Figure 5.1 (of the EIA Report). The proposals will include the following key components:

- 16 turbines of up to, but not exceeding, 149.9 m tip height with external transformers;
- hardstanding area at each turbine base with a maximum area of 1,800m2;
- three permanent meteorological masts and associated hardstand areas;
- up to two site substations (one new substation and possible retention of the existing Tangy I and Tangy II Wind Farm substation);
- one operations control building with parking and welfare facilities;
- a total 11 km of onsite access tracks with associated watercourse crossings (of which approximately 7.4 km are new access tracks and 3.6 km are upgrades to existing tracks); and
- onsite underground cabling.

1.1.5 This Planning Statement considers the policies of the development plan and other material considerations, including national policy, and all the environmental information that is provided, on the proposed development.

1.1.6 This planning statement is structured as follows:

- Section 2 – Statutory Provision
- Section 3 – Assessment
- Section 4 – Conclusion

2. STATUTORY PROVISION

2.1 Electricity Act 1989

2.1.1 Section 36 of the Electricity Act 1989 provides that a generating station with a capacity in excess of 50MW shall not be constructed, extended or operated except in accordance with a consent granted by the Scottish Ministers.

2.1.2 Schedule 8(2) to the Act requires the Scottish Ministers to serve notice of any Section 36 application on the relevant planning authority.

2.1.3 Paragraph 3(2) of Schedule 9 of the Act requires the Scottish Ministers, in considering any relevant proposals for which their consent is required under Section 36, to have regard to:

- the desirability of the matters mentioned in paragraph 3(1)(a) of the Schedule; and
- the extent to which the person by who the proposals were formulated has complied with his duty.

2.1.4 The matters mentioned in paragraph 3(1)(a) are: the desirability of preserving natural beauty, conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historical or archaeological interest.

2.1.5 The duty under paragraph 3(1)(b) requires the person who formulated the proposals to do what he reasonably can to mitigate any effect that the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

2.1.6 Paragraph 3(3) of Schedule 9 stipulates a further requirement to seek to avoid as far as possible, causing injuries to fisheries or to the stock of fish in any waters.

2.2 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

2.2.1 The EIA Regulations are discussed in Chapter 2 of the EIA Report. The EIA report has been prepared in accordance with the relevant provisions of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 and Electricity Works (Environmental Impact Assessment (Scotland) Regulations 2017, referred to together as 'the EIA Regulations'.

2.3 Policy Background

In recent years, European, United Kingdom and Scottish Government policies have focused increasingly on concerns about climate change. Each tier of government has developed targets, policies and actions to achieve these targets.

2.3.1 The targets set for the United Kingdom by the European Commission under the EU Renewables Directive (2009/28/EC) include a 16% reduction in United Kingdom greenhouse gas emissions by 2020 and for 15% of all energy consumed in the United Kingdom to come from renewable resources by 2020.

2.3.2 The Scottish Government (2018) Climate Change Plan outlines a new interim target of reducing greenhouse gas emissions by 66% by 2032. The Scottish Energy Strategy also includes a new 2030 'whole system' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied by renewable sources. Both the Scottish Government (2017a) Energy Strategy and the Onshore Wind Policy Statement (2017b) recognise that onshore wind projects must play a vital role in decarbonising electricity, heat and transport systems and meeting the emissions reduction targets.

2.4 National Planning Framework

2.4.1 National Policy in Scotland is provided by the National Planning Framework 3 (NPF3), which provides a statutory framework for Scotland's long term spatial development.

Scottish Planning Policy

2.4.2 Scottish Government planning policy (SPP) supports the transformational change to a low carbon economy, consistent with national objectives and targets, including the expansion of renewable energy generation capacity.

2.5 Development Plan

2.5.1 The development plan consists of the Argyll and Bute Local Development Plan (LDP) which was adopted by Argyll and Bute Council (ABC) in March 2015.

2.6 Supplementary Planning Guidance

2.6.1 The ABC LDP Supplementary Guidance Document, published in March 2016, includes aims to protect the natural environment that will inform strategic planning for wind energy in line with SPP and to also provide guidance on the appraisal of individual wind farms and wind turbine proposals across Argyll and Bute.

2.6.2 The Argyll and Bute Landscape Wind Energy Capacity Strategy was updated in 2017 and there are two separate parts to the report (The Main Study Report and The Appendix Report). The aim of the study is to inform strategic planning for wind energy development and to provide guidance to be used when considering specific development proposals.

2.7 Summary

2.7.1 The proposed development is assessed, below, against the criteria in Schedule 9 of the Electricity Act 1989, having regard to the National Planning Framework, Scottish Planning Policy, the development plan and other material considerations.

3. ASSESSMENT

3.1 National Planning Framework 3

3.1.1 The NPF3 vision in Scotland includes:

- A low carbon place - that seizes the opportunities arising from the ambition to be a world leader in low carbon energy generation, both onshore and offshore.
- A natural, resilient place - where the natural and cultural assets are respected, they are improving in condition and represent a sustainable economic, environmental and social resource for the nation. The environment and infrastructure have become more resilient to the impacts of climate change.

3.1.2 The NPF3 ambition is to achieve at least an 80% reduction in greenhouse gas emissions by 2050. Planning is to play a key role in delivering on the commitments set out in Low Carbon Scotland (The Scottish Government, 2011); the Scottish Government's report on proposals and policies.

3.1.3 Under the heading of "*Scotland today*" it is noted that at present the energy sector accounts for a significant share of Scotland's greenhouse gas emissions. To address this NPF3 states that:

"*we need to employ our skills and innovation to help capitalise on our outstanding natural advantages*".

3.1.4 NPF3 notes the industry estimates that renewable energy currently supports around 11,000 jobs in Scotland and it is expected employment in this sector will grow significantly over the coming years.

3.1.5 Under the heading of "Scotland tomorrow", the Scottish Government want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015.

3.1.6 The Scottish Government want to continue to capitalise on the wind resource, and for Scotland to be a world leader in offshore renewable energy.

3.1.7 NPF3 states at 3.23 that:

"Onshore wind will continue to make a significant contribution to diversification of energy supplies. We do not wish to see wind farm development in our National Parks and National Scenic Areas. Scottish Planning Policy (SPP) sets out the required approach to spatial frameworks which will guide new wind energy development to appropriate locations, taking into account important features including wild land".

3.1.8 The low carbon agenda forms a crucial part of the Scottish Government strategy. The Scottish Government expect development plans to promote a positive, planned approach to providing low carbon infrastructure across Scotland.

3.1.9 Addressing the vision for "a natural, resilient place", NPF3 states that the Scottish Government "will respect, enhance and make responsible use of our natural and cultural assets".

3.1.10 Under the heading of "Scotland today", Scotland's landscapes are described as: "spectacular, contributing to our quality of life, our national identity and the visitor economy". Biodiversity in Scotland is considered "rich and varied". The historic environment is "an integral part of our well-being and cultural identity", and our archaeological sites "reflect our long history of human settlement".

3.1.11 Under the heading of "Scotland tomorrow", NPF3 states that: "a planned approach to development helps to strike the right balance between safeguarding assets which are irreplaceable, and facilitating change in a sustainable way".

3.1.12 The Scottish Government's key actions in NPF3 include:

"We will continue to take action to help generate the equivalent of 100% of Scotland's gross annual electricity consumption from renewable sources by 2020, with an interim target of 50% by 2015".

3.1.13 The national policy in NPF3 on renewable energy reflects the criteria noted in Schedule 9 of the Electricity Act 1989. The proposed development will make a significant contribution towards meeting the Government targets on renewable energy. The proposed development is located, and designed, such that it has regard to preserving natural beauty, considering flora and fauna and not adversely affecting sites, buildings, and objects of natural or built interest, consistent with the national policy framework and Schedule 9.

3.2 Scottish Planning Policy

3.2.1 The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight.

3.2.2 The Scottish Government's "Purpose" of creating a more successful country through increasing sustainable economic growth is set out in the Government Economic Strategy. The Scottish Government has identified 16 national outcomes that articulate in more detail how the Purpose is to be achieved. Outcomes that are relevant to the proposed development include:

- 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.

3.2.3 The SPP introduces a presumption in favour of development that contributes to sustainable development. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

3.2.4 The policy principles for Outcome 2: A low carbon place, include that the planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
  - 30% of overall energy demand from renewable sources by 2020; and
  - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable generation capacity; and
- guide development to appropriate locations and advise on issues that will be taken into account when specific proposals are being assessed.

3.2.5 Referring specifically to onshore wind the SPP states that planning authorities should set out in development plans a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities.

3.2.6 The spatial frameworks identify three groups:-

- Group 1: Area where wind farms will not be acceptable:
  - National Parks.
  - National scenic areas.
- Group 2: Areas of significant protection:
  - National and international designations.
  - Other nationally important mapped environmental interests.
  - Community separation for consideration of visual impact.
- Group 3: Areas with potential for wind farm development.

3.2.7 The proposed development falls in Group 3 – areas where wind farms are likely to be acceptable (Figure 6.1 of the EIA Report). Part of the site contains areas identified by the SNH Carbon and Peatland Map (2016) for carbon rich soil and deep peat.

3.2.8 The SPP states that local development plans should set out the criteria that will be considered in deciding all applications for wind farms of different scales - including extensions and re-powering - taking account of the considerations set out at paragraph 169 of SPP. It is noted, at paragraph 169, that considerations will vary, relative to the scale of the proposal and area characteristics, but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- cumulative impacts - planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including schedules monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- Impacts on road traffic;
- Impacts on adjacent trunk roads;
- Effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

3.2.9 The wide range of considerations listed above gives a degree of commonality with the issues raised in the criteria in Schedule 9 of the Electricity Act 1989, albeit the Schedule 9 duties are legal duties.

3.2.10 The above criteria have been fully addressed in the EIA Report. The detailed assessment of the proposed development against the development plan (below) demonstrates that it accords with the criteria in SPP. The site has been operational for 15 years and is an excellent example of the type of location where the technology can operate efficiently.

3.2.11 The SPP notes that individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining wind farms and the development management considerations accounted for when determining individual applications.

3.2.12 Grid capacity is not to be used as a reason to constrain the areas identified for wind farm development or decisions on individual applications for wind farms.

3.2.13 The SPP is clear that proposals for onshore wind turbines should continue to be determined while spatial framework and local policies are being prepared and updated.

3.2.14 The SPP states that where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principle for Community Benefits for Onshore Renewable Energy Development. It should be noted that the community benefits are not a material planning consideration and would not form part of the planning decision.

3.2.15 The Scottish Government supports the need for renewable energy development as outlined by SPP. This guidance illustrates that plans should support the development of all technologies, regardless of scale ensuring that an area's energy potential is achieved whilst being compatible with other development plan policies and objectives.

3.3 Development Plan

3.3.1 The development plan for the site comprises the Argyll and Bute Local Development Plan which was adopted in March 2015. This section of the planning statement identifies relevant policies of the development plan and assesses the proposed development against those policies.

3.3.2 The LDP is a strategic land use plan that sets out strategic spatial priorities and policies for Argyll and Bute and will secure land for specified users to provide certainty for development.

3.3.3 The LDP replaces the Argyll and Bute Structure Plan 2002 and Local Plan 2009 as the Council's adopted development plan.

3.3.4 The LDP foreword and vision statement lists four aims which include:

"Encourage renewable-energy developments without damaging the landscape and countryside."

3.3.5 Under Section 4.5 of Chapter 4, the LDP notes:

"The Council is keen to ensure that Argyll and Bute continues to make a positive contribution to meeting the Scottish Government's targets for renewable energy generation. These targets are important given the compelling need to reduce our carbon footprint and reduce our reliance on fossil fuels. The Council further recognises the important role which the renewable energy industry can play in developing our local economy, as encouraged by the Council's Renewable Energy Action Plan."

3.3.6 This is a clear statement of support, in principle, for renewable energy development which includes onshore wind.

3.3.7 Policy LDP 6, entitled "Supporting the Sustainable Growth of Renewables", states that:

"The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects, whether individual or cumulative, including on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses. A spatial framework for wind farms and wind turbine developments over 50 metres high in line with Scottish Planning Policy will be prepared as Supplementary Guidance. This will identify:

- *Areas where wind farms will not be acceptable.*
- *Areas of significant protection.* Areas which may have potential for wind farm development."

3.3.8 The proposed development is assessed against following criteria on wind energy under Policy LDP 6 as follows:

Policy Section	Comment
Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.	Chapter 16 considers the potential effects on socio-economic activity during construction and operation. The Chapter acknowledges that Campbeltown has a fragile economy and the benefits that renewable energy has to the Argyll and Bute economy. The applicant is committed to utilising local contractors during construction and the contract values are up to £120m.
The scale of contribution to renewable energy generation targets.	The Scottish Government is committed to increasing the supply of renewable energy within Scotland and in 2018 their Energy Strategy sought to include a new 2030 'whole system' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied by renewable sources.
Effect on greenhouse gas emissions.	The proposals are for a sustainable development project and once operational will help to reduce greenhouse gas emissions.
Cumulative impacts arising from all of the considerations below.	Each of the Chapters in the EIA Report has considered the cumulative impacts of the proposed development. The cumulative impacts are summarised below: Potential significant and cumulative effects have been identified for two of the six Landscape Character Types (LCTs); Potential significant cumulative visual effects at 5 of the 11 viewpoints and on 1 of the 11 routes; Noise - The selection of the final turbine to be installed at the site would be made on the basis of enabling the relevant noise limits to be achieved at the surrounding properties. Satisfactory control of cumulative noise emission levels would be achieved through enforcement of individual consent limits for each of the individual wind farms
Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.	The EIA Report has assessed the impact on the local community including visual impact, residential amenity, noise and shadow flicker. No potential significant effects are identified for shadow flicker and it is noted in Table 19.1 that "*in order to protect the amenity of local residents, the turbines would be programmed to shut down during periods when shadow flicker could occur.*"
Landscape and visual impacts, including effects on wild land.	Chapter 8 has assessed landscape and visual impacts with consideration during the assessment being given to the removal of Tangy I and II. It is noted that as a result, reductions in potential landscape and visual effects have been achieved. Potential significant and cumulative effects have been identified for two of the six Landscape Character Types (LCTs). Potential significant visual effects for 16 of the 27 viewpoints, at three of the 10 settlements and four of the 17 routes. The assessment has also identified significant cumulative visual effects at five of the 11 viewpoints and on one of the 11 routes.

Policy Section	Comment
	Landscape and visual is discussed further in paragraph 3.3.25.
Effects on the natural heritage, including birds.	The effects on natural heritage including birds has been assessed throughout the EIA Report in Chapter 9. It is concluded that no potential significant effects are identified and no potential for an adverse effect on the integrity of the Kintyre Goose Roots SPA.
Impacts on carbon rich soils, using the carbon calculator.	Table 5.7 of the EIA Report notes that the Carbon Balance Assessment would have an expected payback period of 1.8 years compared to grid mix of electricity generation. The proposed development would save approximately 94,611 tonnes of carbon dioxide per year (compared to a typical grid mix of electricity supply). Chapter 11 discusses soil in further detail.
Public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.	Paragraph 1.6.4 of Chapter 5 notes that: "In accordance with section 6(1)(g) of the Land Reform Act 2003, general public access rights are removed throughout the construction working area for health and safety reasons."
Impacts on the historic environment, including scheduled monuments, listed buildings and their settings.	Chapter 13 of the EIA Report considers cultural heritage and archaeological features potentially affected by the proposed development. Paragraph 1.1.69 notes that the assessment has identified 46 cultural heritage assets within the site. Furthermore, a total of 78 Scheduled Monuments, 109 assets on the Non-Statutory Registers and one Conservation Area are located within 10km of the site. Paragraph 1.1.71 states that the proposed development layout has been finalised to avoid any direct effects upon known heritage assets within the site and no significant direct effects have been identified. The assessment concludes that predicted residual significant effects for Killocraw Cairn (Site 20) and Tangy Loch Fortified Dwelling (Site 27). Although significant, the effect would not be at a level that would threaten the protection of the asset.
Impacts on tourism and recreation.	Chapter 16 of the ES considers tourism and recreation during construction and operation of the proposed development. Paragraph 16.4.61 notes that important elements of the area's tourism included Campbeltown's distilleries, festivals, the coastline (including golf) and long distance routes. As part of the proposed mitigation the local community will be regularly updated during the construction phase to avoid any effects on tourism. It is considered that there will be a minor beneficial tourism (accommodation) effects in Campbeltown, the west coast and east coast.
Impacts on aviation and defence interests and seismological recording.	Chapter 18 of the EIA Report discusses Aviation and the potential impacts on aviation and radar in the surrounding area. Table 18.1 provides details of the scoping and consultation responses. Paragraph

Policy Section	Comment
	18.7.1 concludes that: "no significant aviation impacts are predicted. No mitigation requirement has been identified." Table 18.8 summarises the assessment results for each receptor.
Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.	Chapter 7 Scoping and Consultation considers telecommunications and broadcasting installations. During the scoping process BT and others were consulted and it is concluded that there will be no significant effects on telecommunications and broadcasting installations.
Impacts on road traffic.	Chapter 15 of the EIA Report considers access and traffic during the construction, operation and decommissioning of the proposals. Details of the consultation responses during scoping are contained within Table 15.1. Section 1.6 advises that three potentially significant effects were identified in Section 15.7. An outline Traffic Management Plan (TMP) provides measures to address each of the identified significant effects, and general operation practices and policies relating to transport which will be adopted during the construction of the proposed development.
Impacts on adjacent trunk roads.	As discussed above, Chapter 15 has considered access and traffic. The A83 is the nearest major trunk road which provides a lifeline link to communities on the Kintyre Peninsula. Paragraph 15.1.97 concludes that the effect of construction traffic is short terms and exceeds the threshold of significance for only 16 non-consecutive days over the duration of the construction of the proposed development.
Effects on hydrology, the water environment and flood risk.	Chapter 12 of the ES considers Surface Water associated with the construction, operation and decommissioning of the proposed development. Further details are provided in paragraph 3.3.15.
The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration.	Chapter 5 of the EIA Report considers decommissioning and reinstatement of Tangy I and II Wind Farm. The process will comprise: Removal of the 22 existing wind turbines and towers to ground level; Reinstatement of turbine bases/ foundations; Removal of approximately 2.2km of access tracks and reinstatement of former track routes. The decommissioning of Tangy IV Wind Farm is detailed in paragraphs 1.5.7 – 1.5.10 of the EIA Report. The process is expected to take 6 months and will be agreed with the relevant authorities prior to commencement.
Opportunities for energy storage.	N/A
The need for a robust planning obligation to ensure that operators achieve site restoration.	The decommissioning of the project is detailed in paragraphs 1.5.7 -1.5.10 of the EIA Report. The reinstatement of the site at the end of its lifespan will form a condition as part of the decision notice

3.3.9 The ABC LDP Supplementary Guidance document was adopted in March 2016 and contains criteria to inform both the ABC LDP 2015 and development proposals on various themes such as the built, historic and natural environments.

3.3.10 Policy SG LDP ENV 1, entitled "Development Impacts on Habitats, Species and our Biodiversity", states that:

"(A) When considering development proposals Argyll and Bute Council will give full consideration to the legislation, policies and conservation objectives, contained within the following:-

- *Habitats and Species listed under Annex I, II & IV of the Habitats Directive;*
- *Species listed under Annex I & II of the Birds Directive and Red and Amber status in 'Birds of Conservation Concern';*
- *Article 10 Features under the Habitats Directive;*
- *Wildlife and Countryside Act 1981; (and as amended by the Nature Conservation (Scotland) Act 2004); Species listed on Schedules 1, 5, 7, 8, 9 and 14;*
- *Wildlife and Natural Environment (Scotland) Act 2011. A Code of Practice on Non-Native Species supports this Act; and*
- *Protection of Badgers Act 1992.*

(B) When considering development proposals the Council will also seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan (LBAP) and the Scottish Biodiversity Strategy. Proposals that incorporate and safeguard existing site interests within the design wherever possible will be encouraged. Applications for medium and large scale developments will be required to complete a biodiversity checklist

Where there is evidence to suggest that a habitat or species of European, national and/or local importance exists on a proposed development site or would be affected by the proposed development, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment, and if necessary a mitigation plan, with the planning application.

Development proposals which are likely to have an adverse effect on protected species and habitats will only be permitted where it can be justified in accordance with the relevant protected species legislation (contained within this Supplementary Guidance) or otherwise present the equivalent information within any required Environmental Impact Assessment (EIA)."

3.3.11 Chapters 9 and 10 of the EIA Report are in respect of Ornithology, Ecology and Nature Conservation. It is noted that the main potential effects of construction activities across the proposed development are the displacement and disruption of breeding/wintering and foraging birds as a result of noise and general disturbance over a short-term period. The assessment has noted that no significant effects are predicted, however, given the conservation status of Greenland white-fronted goose population, a number of additional good practice mitigation measures will also be put in place during the winter period to ensure all reasonable measures are taken into minimise disturbance to commuting fights or roosting birds in the area.

3.3.12 Policy SG LDP ENV 4, entitled "Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves", states that:

"In all Development Management Zones development which would affect Sites of Special Scientific Interest and National Nature Reserves will only be permitted where it can be adequately demonstrated that either:

(A) The objectives of designation and the overall integrity of the area will not be compromised; OR,

(B) Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance and the

need for the development cannot be met in other less ecologically damaging locations or by reasonable alternative means."

Chapter 10 of the EIA Report considers Ecology and Nature Conservation. The Chapter notes that the footprint of the proposed development remains unchanged from the Tangy III (ES 2014). The boundary of Tangy Loch (SSSI) is located less than 100m to the south-east of the closest turbine.

Paragraph 10.5.6 notes that effects on Tangy Loch could be significant at national level with mitigation discussed in Section 10.6. This relates to the potential for peat slides and a detailed intrusive ground investigation following tree removal and prior to construction will inform relevant good practice measures to reduce peat slide risks.

Table 10.9 considers the assessment summary and predicts not significant effects on Tangy Loch SSSI.

3.3.13 Policy SG LDP ENV 5, entitled "Development Impact on Local Nature Conservation Sites (LNCS)", state the following:

"Development that would have an adverse effect on the integrity of the Local Nature Conservation Sites will not be supported unless the developer satisfactorily demonstrates that:

(A) Such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal, and,

(B) The Council is satisfied that all possible mitigation measures have been incorporated to minimise the adverse effects on the interests of the site.

Where development is allowed which could affect an LNCS, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the sites' ecological, geological and geomorphological interest."

Chapter 10 of the EIA Report considers Local Nature Conservation Sites. No significant effects are predicted on LNCS during construction, operational or decommissioning.

3.3.14 Policy SG LDP ENV 6, entitled "Development Impact on Trees / Woodland", states that: "In accordance with Schedule FW 2, Argyll and Bute Council will protect trees, groups of trees and areas of woodland by making Tree Preservation Orders (TPOs) where this appears necessary in the interests of amenity.

Argyll and Bute Council will also resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements."

Chapter 16 of the EIA Report notes that the coniferous plantation woodland on the site will be felled to enable the proposed development. The total area of felling will be carried out over some 270.75 ha within the site, of which 199.85 ha will be replanted post construction. Table 16.7 predicts a minor effect during construction and a negligible effect during operation. This is largely due to the fact that the forests are in a restructuring phase.

3.3.15 Policy SG LDP ENV 7, entitled "Water Quality and the Environment", states that:

"In all Development Management Zones proposals for development that could affect the water environment will be assessed with regard to their potential impact on:

(A) Water quality and quantity, ecological status including morphology and flow rate

(B) Riparian habitats and wildlife;

(C) Geomorphic processes;

(C) Leisure and recreational facilities and users;

(D) Economic activity;

(E) The resources protected by Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment and other relevant Local Development Plan policies and SG. Developments that may have a significant detrimental impact on the water environment will not be permitted unless it can be demonstrated that the impacts can be fully mitigated so as to ensure non-deterioration of waterbody status as required by the EU Water Framework Directive and the River Basin Management Plans covering Argyll and Bute."

Chapter 12 of the EIA Report considers the potential impacts on surface water during the construction and operational phases. Consultation has been undertaken during the scoping phase with SEPA and Scottish Water which is summarised in Table 12.1 of the EIA Report. Paragraph 12.2.11 notes that: *"Effects of the proposed development on water quality, fisheries and recreation, flood risk, public water supplies and private water supplies in general (other than those being assessed) have therefore been scoped out as not having the potential for significant effects."*

The study considers that there are potential effects of high magnitude during construction on PWS2 relating to both quality and quantity of PWS during the use of borrow pit C. Furthermore during operation potential effects of high magnitude on PWS2 relating to quantity of PWS should the direction of groundwater flow be altered.

Section 12.6 of the EIA Report discusses mitigation including good practice and the implementation of a Construction Environmental Management Plan (CEMP).

Paragraph 12.7.1 concludes that: *"Following the application of the mitigation measures, no likely significant effects are anticipated."*

3.3.16 Policy SG LDP ENV 11, entitled "Protection of Soil and Peat Resources", states that:

"Argyll and Bute Council will only support development where appropriate measures are taken to maintain soil resources and functions to an extent that is considered relevant and proportionate to the scale of the development.

Development that would potentially have a significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is satisfactorily demonstrated that:

(A) such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal; AND

(B) A soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion of peat and soils will be avoided and how any impacts mitigated as much as possible. Evidence of the adoption of best practice in the movement of, storage, management, reuse and reinstatement of soils must be submitted along with any planning application."

Chapter 11 of the ES considers Geology, Soils and Peat. Paragraph 11.5.4 notes that: *"The proposed development occupies an upland area with complex terrain and widespread blanket peat cover in the central part of the site."* Details of the Peat Stability Impact Assessment are considered in paragraphs 11.5.4 – 11.5.9 and the following conclusion is drawn in Table 19.1 of the EIA Report:

"Though not significant, requirement for further mitigation, as part of the construction phase for managing peat slide risk and peat handling/reinstatement are described in Appendix 11.1 and Appendix 11.3 respectively. The good practice mitigation measures described therein would be implemented through Appendix 5.1: CEMP."

Conclusion on the Development Plan

3.3.17 It is concluded that the proposed development accords with the relevant policies and is compatible, overall, with the Development Plan and key Supplementary Guidance.

3.3.18 With regards to the key wind energy policy in the LDP, ABC positively supports wind energy proposals subject to certain criteria being addressed. It is concluded that the proposed development is broadly in accordance with the aims, objectives and terms of the renewable energy policy in the LDP. It is further concluded that the proposed development will not unacceptably harm the character of the local area. It is acknowledged that there will be inevitably be some significant visual effects on landscape character and or certain visual receptors, these however, are not considered to be unacceptable.

Argyll and Bute Landscape Wind Energy Capacity Study (Carol Anderson Landscape Associates, 2017)

3.3.19 The Argyll and Bute Landscape Wind Energy Capacity Study (Carol Anderson Landscape Associates, 2017) aims to inform strategic planning for wind energy in line with SPP and to also provide guidance on the appraisal of individual wind farm and wind turbine proposals across Argyll and Bute. It is a material consideration and will be taken into account during the assessment of the proposals.

3.3.20 The following is an extract from the Summary of the Argyll and Bute Landscape Wind Capacity Study:

"Operational and consented wind farm developments in Argyll and Bute generally occupy less sensitive sparsely settled and relatively simple upland areas. While many older wind farms have relatively limited visibility from more settled loch and coastal fringes, more recently constructed and consented developments, although still sited in similar upland areas, feature taller turbines which often life on the outer edges of upland areas and have a greater impact on views from more sensitive areas."

"The Kintyre peninsula and parts of the uplands either side of Loch Awe already accommodate a number of operational and consented wind energy developments. Remaining undeveloped parts of these upland landscapes are often more constrained as they lie closer to more sensitive settled coastal areas and valleys. Cumulative effects are also a key constraint to accommodating additional wind energy development in Argyll and Bute."

3.3.21 The main findings from the Argyll and Bute Landscape Wind Capacity Study in respect of the proposed development are as follows:

- There is no scope for wind turbines > 150m to be accommodated in Argyll and Bute. This is principally due to the limited extent of less sensitive upland areas and the effect of much larger wind turbines on surrounding scale and/or diverse landscapes.
- There is very limited scope for additional large wind turbines (80-130m high) to be accommodated in the uplands of Kintyre and either side of Loch Awe. Some turbines between 130-150m may also be able to be accommodated within parts of the Kintyre peninsula. Any development would need to be set well back from the outer edges of these uplands to minimise effects on surrounding more sensitive landscapes.

3.3.22 The proposed development is located within character type 6: Upland Forest Moor Mosaic, which covers most of the Kintyre Peninsula in Argyll and Bute and comprises several operational wind farms including Tangy I and II.

3.3.23 Under the heading of "Guidance for development" for landscape character type 6 the Argyll and Bute Landscape Wind Capacity study states that:

"There is very limited scope for the Very Large typology (turbines >130m) to be accommodated. The narrow extent of this peninsula and its relatively low relief (especially in the northern party of this LCT) inhibits opportunities for turbines >150m high. Very large turbines in many locations would be likely to significantly intrude on views from both Gigha and Arran, considerably extending effects and potentially affecting the 'space and cluster' spatial pattern of existing wind farm development evident in the northern part of the peninsula in views from Arran. Many such sites

are already occupied and scope for this size of turbine is likely to be restricted to repowering of operational wind farms. Cumulative effects with operational wind farms, including effects on layout, spacing between developments and avoiding noticeable differences in turbine design and size, would need to be carefully considered.

"Although the large typology (turbines 80-130m) would fit better with the scale of these uplands and with operational/consented turbines, there is also very limited scope to accommodate this size of turbine. This is principally due to potential cumulative effects on the coastal fringes of Kintyre and on views from Arran and Gigha. Small extensions or repowering proposals for operational wind farms may be able to be accommodated as these could minimise effects on adjoining and surrounding landscapes.

"Any additional development of the Very Large and Large typologies (turbines > 80m high) should avoid more complex irregular small hills found on the outer edge of the Kintyre peninsula (and particularly the arc of small knolly hills to the south of Lussa Loch). Turbines should not be sited on, or close-by, the more pronounced and higher hill summits found in the southern and northern part of this character type including Beinn Bhreac and Beinn an Tuirc which form a scenic backdrop to the Carradale area. These hills also provide some partial containment of the operational wind farm of Beinn an Tuirc I and this, together with the need to retain the integrity of these hills, may limit scope for any extension or substantial increases in turbine height (as part of a repowering scheme) to this wind farm. Turbines should also be sited to avoid any intrusion on views to and from the rugged and remote coast between Skipness and Tarbert as this would affect the sense of wildness associated with this seascape. The smaller scale and settled Barr Glen and Glen Lussa, which lie within this character type, would also be sensitive to larger typologies sited on containing hills and ridges which provide immediate skylines. Development should additionally be sited to avoid significant intrusion and cumulative effects on views from the B8001.

"In terms of effects on adjacent landscape character types, significant intrusion on the setting and views from the adjacent settled and small scale Rocky Mosaic and the Hidden Glens and on Arran and Gigha should be avoided by siting larger turbines well back into the interior of these uplands. Further discussion of strategic cumulative issues in relation to larger turbines is set out in section 3 of this report. It is considered that scope for additional development north of the higher hills centred on Beinn Bhreac is particularly limited due to the likely significant exacerbation of effects on Arran, Gigha and surrounding seascapes.

"It is assumed that the medium typology (turbines 50-80m) would be more likely to comprise single or small groups of turbines, possibly located within the more accessible farmed outer edges of this landscape. As such they would be more visible from roads and settlement and there is therefore only very limited scope to accommodate turbines of this size. Cumulative effects with larger wind turbines, which will be increasingly visible from the coastal fringes of Kintyre once consented developments are constructed, are a major constraint to accommodating this typology."

3.3.24 Chapter 8 of the EIA Report considers Landscape and Visual with the study area extending to 40km. Paragraph 8.13.1 states that the landscape character assessment has identified that the majority of landscape effects in relation to the proposed development would be not significant. No significant effects are anticipated in relation to landscape designations.

3.3.25 The assessment concludes the following:

- Potential significant and cumulative effects have been identified for two of the six Landscape Character Types (LCTs).
- Potential significant visual effects for 16 of the 27 viewpoints, at three of the 10 settlements and four of the 17 routes.
- Potential significant cumulative visual effects at five of the 11 viewpoints and on one of the 11 routes.

In support effects are considered to be moderate and significant as the proposed development is anticipated to be noticeable and locally intrusive, rather than a dominating feature.

The Delegated Report for the S.42 application in respect of Tangy III notes in response to the Council's Landscape Wind Energy Capacity Study that: *"It has been operational for many years and appears to have become an accepted feature in the landscape of South Kintyre, as the general absence of objectors in this and previous cases seems to confirm."*

Furthermore, and in support of this application increasing the proposed tip heights, the S.42 application delegated report states: *"Given that the planning authority had already approved the wind farm development on the site the principle of wind turbines being located in this area has already been accepted."*

4. CONCLUSION

4.1.1 In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997 Scottish Ministers, may, on granting consent under section 36 of the Electricity Act 1989 for the construction and operation of a generating station, direct that planning permission be deemed to be granted in respect of that generating station and any ancillary development.

4.1.2 Through the careful siting, design and redesign of the proposed development the environmental effects have been minimised.

4.2 Main Determining Issues

4.2.1 The Scottish Government is committed to the continued expansion of a portfolio of onshore wind farms to help meet renewable targets. The Scottish Government supports onshore wind energy development in appropriate locations. The Scottish Planning Policy 2014 (SPP) introduces a presumption in favour of development that contributes to sustainable development.

4.2.2 The SPP also introduces a spatial framework for onshore wind projects. The proposed development has been identified as falling largely into Group 3 of Table 1. The detailed assessment has demonstrated that any significant effects have been substantially overcome. The proposed development is in an appropriate location that satisfies the identified policy criteria in the LDP and the SG.

4.2.3 The National Planning Framework 3 (NPF3) sets out the Scottish Government's commitment to establishing Scotland as a leading location for the development of renewable energy technology.

4.2.4 The proposed development represents sustainable development and is supported by policy. It makes a noteworthy contribution towards meeting renewable energy targets. This increase in the amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target for the equivalent of 100% of Scotland's electricity demand to be met from renewable sources by 2020.

4.2.5 An assessment against the Argyll and Bute Local Development Plan is provided in Chapter 3 of this Planning Statement. It is concluded that the proposed development accords with the relevant planning policies. While it may be considered that there is a degree of conflict with some aspects of the individual policy criteria, any wind farm development will inevitably bring about such impacts, but the effects which result in these conflicts are not to a degree which is unacceptable. The proposed development will make a significant contribution towards meeting renewable energy generation and CO_2 reduction targets.

4.2.6 The EIA Report demonstrates that potential significant effects have been appropriately addressed by way of mitigation, but some likely significant effects remain unavoidable including potential significant and cumulative effects for two of the six Landscape Character Types. In response the recent S.42 application and the Planning Officer's Report of Handling concludes that the redevelopment of Tangy I and II will provide a less cluttered layout which will not provide significantly adverse impacts. It is submitted that a similar approach should be taken for Tangy IV as the proposed development is materially unchanged with the exception of tip height with the increase considered to be relatively minor in the sense that similar significant effects are anticipated for either 130m or 149.9m.

4.2.7 In respect of Cultural Heritage a residual significant effect is predicted for Kilocraw Cairn (Site 21) and Tangy Loch Fortified Dwelling (Site 27). Although significant it is however considered that the effect would not be at a level that could threaten the protection of the asset.

4.2.8 The EIA report concludes that no significant effects are predicted in respect of ornithology, ecology and nature conservation, geology, soil and peat, surface water, noise and transport, aviation or shadow flicker. A moderate beneficial and significant socio-economic (employment) effects in

Kintyre are predicted and also minor beneficial tourism (accommodation) effects in Campbeltown, the west coast and east coast.

4.2.9 Consideration has been given by the applicant throughout the development of the proposals and also during the operation of Tangy I and II to the Council's Community Plan and Single Outcome Agreement (2013-2023). Tangy Windfarm plays an important role in support of Outcome 1.

4.2.10 It is considered that the development is in accordance with the local development plan. Support is given by the local authority and in the recently approved S.42 application they note that the principle of wind turbines being located in the area has already been accepted. The current proposals in comparison to Tangy III are broadly similar except the increase in tip height. In any event the balance of environmental and other material considerations are in favour of the proposed development and that consent under section 36 of the Electricity Act 1989 should be granted and a direction be made under section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission be deemed to be granted.

Montagu Evans LLP

August 2018


sse