
Killean Wind Farm

Planning and Energy Policy Statement



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1. Introduction

1.1. Introduction

- 1.1.1. This Planning and Energy Policy Statement has been prepared by Savills UK Limited on behalf of Renewable Energy Systems (the Applicant). It supports an application to the Scottish Ministers under Section 36 (S36) of the Electricity Act 1989¹ (the Electricity Act) for a development comprising up to 9 wind turbines (each with a maximum tip height of 180 metres (m)), borrow pit search areas, onsite access tracks, substation compound, felling and replanting of forestry, habitat management and biodiversity enhancement and other associated infrastructure, to be known as Killean Wind Farm and hereafter referred to as 'the Proposed Development'.
- 1.1.2. The Proposed Development will have an installed capacity of more than 50 Megawatts (MW). A detailed description of the Proposed Development is set out in Chapter 2: 'Proposed Development Description' of the Environmental Impact Assessment Report (EIA Report) with a Site Layout Plan provided as Figure 1.3.
- 1.1.3. This Planning and Energy Policy Statement accompanies the EIA Report for the Proposed Development. It does not form part of the EIA Report, but draws upon its findings to inform conclusions on planning and energy policy matters. It also draws from the findings of the Socio-Economic Impact Assessment (Technical Appendix 13.1).
- 1.1.4. As part of the S36 process, the Applicant is also seeking that Scottish Ministers issue a Direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997² (the Planning Act), as amended, that deemed planning permission also be granted for the Proposed Development. Killean Wind Farm is proposed to have an operational life of 50 years from the date of final commissioning.
- 1.1.5. This Statement provides an assessment of the Proposed Development against relevant energy policy, national planning policy and local planning policy. There is no 'primacy' of the Development Plan in an application made under the Electricity Act, as would be the case for an application under the Planning Act as found in the case of *William Grant & Sons Distillers Ltd v Scottish Ministers* [2012] Court of Session Outer House 98 (paragraphs 17 and 18). Rather, weight can be attributed by the decision maker to all material considerations including the various levels of national and local energy and planning-related policy and guidance as deemed appropriate.
- 1.1.6. This Statement assesses the acceptability of the Proposed Development in land use and planning policy terms in light of the residual impacts identified in the EIA Report. It also gives consideration to energy policy objectives, concluding with considered comments about the overall acceptability of the Proposed Development in the context of the full range of material considerations.

1.2. Structure of the Statement

- 1.2.1. Following this introductory section, this Planning and Energy Policy Statement is structured as follows:-
- Section 2 discusses the Electricity Act, specifically Schedule 9;

¹ <https://www.legislation.gov.uk/ukpga/1989/29/contents>

² <https://www.legislation.gov.uk/ukpga/1997/8/contents>

- Section 3 describes the site and the Proposed Development and summarises its key benefits;
- Section 4 provides commentary on relevant planning history;
- Section 5 discusses energy legislation and policy matters and considers the Proposed Development with reference to relevant renewable energy generation and greenhouse gas reduction targets;
- Section 6 assesses the Proposed Development against the relevant policies of the Development Plan including National Planning Framework 4; and
- Section 7 weighs up the case for the Proposed Development providing concluding remarks on its overall acceptability of the Proposed Development.



2. Electricity Act – Schedule 9

- 2.1.1. A decision on this S36 application under the Electricity Act is the principal decision to be made in this case. Schedule 9 paragraph 3 to the Electricity Act imposes no duties on an Applicant other than a generating licence holder or a person authorised by an exemption to generate electricity. The Applicant is not a holder of a generating licence or an exemption in respect of the Proposed Development and the duties under paragraph 3 do not apply.
- 2.1.2. The Scottish Ministers as decision maker are required to have regard to the desirability of the matters mentioned in paragraph 3(1)(a) of Schedule 9 (paragraph 3(2)(a)).
- 2.1.3. This interpretation of the law was confirmed in the opinion of Lord Erich in the petition of North Lowther Energy Initiative Limited v Scottish Ministers [2021] Court of Session Outer House 104 (paragraph 18).
- 2.1.4. Notwithstanding, through the design evolution and the EIA process, the Applicant has sought to avoid significant environmental impacts arising from the Proposed Development and to then mitigate those that have been identified. These details are set out in the various chapters forming the EIA Report that is submitted with the application to enable Scottish Ministers to comply with their duties under Schedule 9.

3. The Site and Proposed Development

3.1. The Proposed Development

3.1.1. The Proposed Development will comprise the construction, 50 year operation and subsequent decommissioning of up to nine wind turbines and associated infrastructure, with an overall generating capacity in excess of 50 MW.

3.1.2. A detailed description of the Proposed Development is set out in EIA Report Chapter 2 'Proposed Development Description' but in summary, it comprises the following key elements:-

- Up to nine wind turbines, each with a maximum tip height of 180m
- At each wind turbine, associated low to medium voltage transformers and related switchgear;
- Permanent wind turbine foundations;
- Hardstanding areas for crane erection at each wind turbine location;
- Two new watercourse crossings and 14 existing crossings which may need to be upgraded;
- Approximately 10.5km of access tracks, comprising 5.58km of new tracks and 4.92km of existing tracks to be upgraded;
- Upgraded site access from the existing junction with the A83;
- Onsite underground electrical cables and cable trenches;
- Substation compound;
- A temporary construction compound for office welfare and materials storage;
- Up to six borrow pit search areas;
- The potential for an onsite concrete batching, the location of which would be confirmed prior to commencement of development once the need is confirmed;
- Felling of 41.3ha hectares of forestry and associated compensatory planting.

3.1.3. In addition to the above, the Applicant is proposing areas of habitat management and biodiversity improvements, as set out in an Outline Biodiversity Enhancement Management Plan (OBEMP), submitted as Technical Appendix 7.6 and the accompanying Figure 7.6.1. In summary these proposals comprise:-

- The enhancement of a target of a minimum of 15.4 hectares (ha) of peatland;
- The creation of low-density native woodland edges to deliver a new benefit for black grouse. A target of at least 10ha would be planted;
- The creation of three artificial nest rafts for red-throated diver;
- An enhanced monitoring programme for Greenland White-fronted Goose to provide improved information for their conservation management including post-construction monitoring of the site, but also the wider population across the Tayinloan area;
- Replacement hedgerow planting; and
- Associated long term monitoring of the above initiatives to inform ongoing management and to advise on any amendments needed to deliver optimal outcomes.

3.1.4. The proposed wind turbines will all have a maximum blade tip height of 180m and a rotor diameter of approximately 155m. For EIA assessment purposes, each turbine has a nominal capacity of 6.6MW. However, the final choice of turbine model and the specification of hub height and rotor diameter will be

subject to a selection process (prior to construction) considering technical, environmental and commercial aspects.

- 3.1.5. To comply with Civic Aviation Authority (CAA) policy on the lighting of wind turbines at 150m in height or more, it has been established that visible aviation lighting is needed on four of the wind turbines: T3, T6, T8 and T9. Confirmation of CAA approval for the lighting strategy is included as Technical Appendix 12.1. In addition, all nine proposed wind turbines require non-visible infra-red aviation lighting to satisfy Ministry of Defence (MoD) low flying requirements.
- 3.1.6. It is intended that the proposed wind turbine locations and all ancillary infrastructure will be subject to a micro-siting tolerance of 100m in any direction, taking into consideration onsite constraints and the findings of detailed site investigation work to be carried out prior to construction.
- 3.1.7. Subject to detailed site investigations, it is expected that the turbines will be constructed on either gravity or piled foundations, as shown on EIA Report Figures 2.2(a) and 2.2(b). The detailed design, sizing and specification for each foundation will depend on the final turbine selected and the ground conditions encountered at each turbine location, which will be confirmed by detailed site investigations post-consent, in the pre-construction period
- 3.1.8. Permanent crane hardstandings measuring approximately 55m x 30m will be constructed at each turbine location to facilitate the erection of the turbine components using mobile cranes (EIA Report Figure 2.3). Additional temporary hardstanding areas will be constructed for the secondary crane, as shown on EIA Report Figure 2.3. Following turbine erection, temporary hardstandings would be reinstated but the main hardstandings will be left in-situ during the operational life of the Proposed Development to facilitate ongoing turbine maintenance.
- 3.1.9. The Proposed Development would most likely be connected to the national electricity grid network at the Carradale substation, located approximately 11.2km southeast of the site. Works required to connect the Proposed Development to the national electricity grid network would be the subject of a future consenting process by the Transmission Operator.
- 3.1.10. In order to minimise the amount of stone required to be imported, up to six temporary borrow pits may be used, with general arrangement drawings for each shown on EIA Report Figures 2.11(a-f). It is anticipated that stone won from these borrow pits will be used to construct access tracks and hardstanding requirements.
- 3.1.11. To further minimise traffic movements associated with concrete delivery, an onsite concrete batching may be necessary. If one is required, it is anticipated that batching will be undertaken within one of the borrow pits or another location, but the final location will be determined by the appointed principal contractor in due course and agreed with SEPA.
- 3.1.12. It is anticipated that the delivery of abnormal indivisible loads (AILs) to the site will likely be from the Port of Campbeltown. AILs will leave the port along Kinloch Road before travelling north west along Aqualibrium Avenue, then north onto the A83 to Campbeltown Airport. From the Airport, AILs would travel north and would access the site directly from the A83 via the existing haul road/Kintyre Way. Requirements for any off-site upgrading works to the public road network would follow confirmation of the wind turbine(s) to be procured and would be subject to a separate consent.

- 3.1.13. While the layout of the Proposed Development has been developed to minimise the number of watercourse crossings required, a total of 16 watercourse crossings would be required comprising two new watercourse crossings and 14 existing watercourse crossings, as shown on EIA Report Figure 9.1. EIA Report Chapter 9 'Geology, Hydrology and Hydrogeological Assessment' and Technical Appendix 9.3 'Schedule of Watercourse Crossings' provide further details on the watercourse crossings. The exact specifications of watercourse crossings will be subject to detailed design prior to construction.
- 3.1.14. Embedded mitigation and habitat management and enhancement measures are integral to the Proposed Development. During construction, environmental protection measures will be controlled by, *inter alia*, a Construction Environmental Management Plan (CEMP), a Peat Management Plan (PMP) and various Species Protection Plans (SPPs). A suitably qualified ECoW would be appointed to oversee the works and ensure compliance with agreed documents and working practices.
- 3.1.15. If consent is granted, habitat enhancement will be undertaken following construction. An OBEMP has been prepared and is presented at EIA Report Appendix 7.6. This outline document sets out a framework for enhancement of habitats within the site which would be further refined in a Detailed BEMP to be prepared post consent and in consultation with relevant stakeholders and landowners. The key aspects of the OREP are summarised earlier.
- 3.1.16. The construction period for the Proposed Development would be approximately 15 months depending upon seasonal working and weather conditions. EIA Report Table 2.2 provides an indicative timetable for each phase of the construction works, with an associated likely sequencing of the works.
- 3.1.17. Normal hours of working during the construction period will be as follows:-
- Monday to Friday 0700-1900;
 - Saturday 0700-1300; and
 - No working on Sundays or public holidays without prior written approval from Argyll and Bute Council.
- 3.1.18. No works, with the exception of turbine or transformer delivery, the completion of turbine erection or emergency work, will take place outside these hours, unless agreed in advance with Argyll and Bute Council. The requirement for out-of-hours work could arise, for example, from delivery and unloading of abnormal loads (usually undertaken at night/early morning to minimise disruption on the public road network and in agreement with consultees, such as Police Scotland) or health and safety requirements, or to ensure optimal use is made of fair weather windows for the erection of turbine blades and the erection and dismantling of cranes.
- 3.1.19. The Applicant is committed to maximising the socio-economic benefits of the Proposed Development as discussed further in Section 3.3. Further information in relation to the socio-economic benefits of the Proposed Development are set out in the Socio-Economic Impact Assessment (Technical Appendix 13.1).

3.2. Site Description

- 3.2.1. The site of the Proposed Development is located on land off the A83, approximately 2.5km east of Tayinloan, on the Argyll Peninsula. The site extends to approximately 1,052ha in area and comprises upland moorland plateau and conifer forest. The site is located to the west of the operational Deucheran Hill Wind Farm.

- 3.2.2. There are no national landscape designations covering the site. The North Arran National Scenic Area (NSA) is located within 12 km east of the Proposed Development and covers much of the mountainous northern part of the Isle of Arran, as shown on EIA Report Figures 5.9 and 5.10 along with the other designated sites.
- 3.2.3. The nearest locally designated landscape is the West Kintyre Coast Local Landscape Area (LLA) located approximately 1.7km to the west of the main turbine array. A very small part of the application boundary overlaps the eastern edge of this LLA and a proposed turning area would be located within this area opposite the entrance to the site access track to allow large vehicles sufficient space to turn on the site access track.
- 3.2.4. There are no international or national natural heritage designations such as Special Protection Areas or Sites of Special Scientific Interest within the site, but there are some such designations within the vicinity of the site as shown on EIA Report Figures 7.1 and 7.2.
- 3.2.5. The closest residential property is located 1,753m away from the wind turbines. That property is known as 4 Largie and the nearest turbine is T9.
- 3.2.6. The Kintyre Way long distance route passes through the site, following the route of the existing haul road used to access Deucheran Hill Wind Farm
- 3.2.7. EIA Report Figure 9.4 shows the NatureScot Carbon & Peatland Map, which indicates the mapped presence of Class 1 and 2 nationally important, priority peatlands within the site boundary.

3.3. Benefits of the Proposed Development

- 3.3.1. In summary, the key benefits of the Proposed Development are as follows:-
- Significant enhancement measures, over and above those required to mitigate the effects of the Proposed Development, are proposed. In this respect, the key objective of the OBEMP is to deliver benefits to the peatland habitats and to the breeding bird community (particularly curlew);
 - The Proposed Development will help meet the Scottish Government's net zero greenhouse gas emission target by 2045. Over the 50 years that it is expected to be generating carbon-free electricity, taking into account the carbon payback period, the Proposed Development could result in CO₂ emission savings of approximately 4.7 million tonnes when replacing fossil fuel-mix electricity generation and once CO₂ emissions associated with construction of the Proposed Development are factored;
 - The proposed wind turbines will be able to supply renewable electricity equivalent to the approximate annual domestic needs of up to 70,316 average UK households (EIA Report Chapter 1: 'Introduction');
 - Since the start of the war in Ukraine and allied with the cost of living crisis, in part due to the significant increase in oil and gas prices, there is a renewed sense of urgency to expand the country's 'home grown' sources of energy to reduce reliance on imported supplies. The Proposed Development responds positively in this regard;
 - Construction of the Proposed Development will generate a range of contract opportunities for local companies. The Proposed Development would potentially lead to the creation of new direct and indirect jobs through supply chain benefits and new expenditure introduced in the local economy and

the Applicant has committed to prioritise local companies in the provision of contracts during the development and construction, and operational phases;

- While recognising that community benefits are voluntary, and are not material considerations, the Applicant is offering £5,000 per MW per year during the operational life of the Proposed Development, as per Scottish Government guidance. Based upon a total installed capacity of around 59.4MW, this would equate to up to £297,000 annually to the local community and over £14.8 million over the proposed 50-year operational life; and
- The Applicant also recognises the opportunities and benefits that arise from community ownership in energy projects. Initial discussions have taken place with an interested local group and the Applicant is currently investigating potential shared ownership models, with a commitment to further engagement once that exercise is complete.

4. Planning History

4.1. The Previous Killean Wind Farm Proposal

- 4.1.1. In 2016 the Applicant applied for Section 36 consent and deemed planning permission for an earlier wind farm development at the site, also known as Killean Wind Farm. That proposal initially comprised 17 wind turbines each with a maximum blade tip height of 149.9m; subsequently reduced to 15 turbines by the determination stage.
- 4.1.2. Following an unresolved objection by Argyll and Bute Council, a public local inquiry (PLI) was held. The Reporters appointed to hold the PLI recommended the application be refused, by way of a report dated 14 October 2019. Scottish Ministers accepted that recommendation and refused consent on 18 December 2019.
- 4.1.3. In their PLI report, the Reporters summarised that the main determining issues were the landscape and visual effects of the proposal, including cumulative effects. In considering these matters further the Reporters considered that it was the visual effects of the proposal that they found to be '*unacceptable*'. They did not find '*unacceptable landscape effects*' (paragraph 11.16), but they did have some concerns about impacts on the West Kintyre and Knapdale Areas of Panoramic Quality (local landscape designations). They also found that all other issues could be addressed or mitigated with planning conditions (paragraph 11.17).
- 4.1.4. Returning to the visual effects of the previous proposal, the Reporters conclusions can be summarised as:-
- Harmful visual effects for those resident on and visiting Gigha;
 - Those walking in elevated areas on the west of Arran would be subject to substantial visual effects;
 - Visual effects would serve to emphasise the significant prominence of the wind farm in relation to the natural landform and topography;
 - Harmful visual effects would be experienced by users of the Islay ferries, the Sound of Gigha, the Knapdale Peninsula and along a portion of the Kintyre Way; and
 - The spread of the visual impacts is in stark contrast to the visual impacts of the nearby Clachaig Glen Wind Farm, which was an application stage proposal at the same time. Permission was ultimately granted for the Clachaig Glen Wind Farm but a new scheme involving taller turbines (up to 200m to blade tip) has been submitted and was subject to an objection from the Council. This proposal was subject to a recent PLI and a report containing recommendations on that revised scheme was submitted to Scottish Ministers in April 2024, but a decision has yet to be issued.
- 4.1.5. Overall, the Reporters felt that the scale of the visual effects of the earlier Killean Wind Farm proposal outweighed the scheme benefits and this was found to be contrary to Scottish Planning Policy and Policy LDP6 of the then adopted Local Development Plan. In their December 2019 decision letter, Scottish Ministers agreed with the Reporters findings, reasoning and conclusions and adopted them for the purpose of their own decision.

4.2. Relevance of the decision to the Proposed Development

- 4.2.1. Since planning permission was refused for the previous Killean Wind Farm in 2019, there have been a

number of key changes that have taken place in the national and local energy and planning policy context. The Proposed Development requires to be considered against these new documents and policies, and this assessment is addressed in Sections 5 and 6.

4.2.2. The following factors are relevant to consideration of the Proposed Development which were not material to consideration of the previous application and provide substantial support to the case for granting consent:-

- The introduction of National Planning Framework 4 (NPF4) in early 2023 and the Onshore Wind Policy (OWPS) Statement in late 2022 put beyond any doubt the need for significantly more onshore wind to help meet climate change targets with the OWPS describing onshore wind as '*mission critical*' for meeting climate targets;
- NPF4 now requires decision makers to give '*significant weight*' to the renewable energy benefits of a scheme in the planning balance, whereas the Reporters and Scottish Ministers were under no such obligation when considering the previous scheme. As this Planning Statement notes later, decision makers have taken this requirement on board in post NPF4 decisions, to the extent that in two cases previous Reporters recommendations to refuse permission were changed to recommendations for approval following the adoption of NPF4;
- In considering the sole issue that lead to refusal of permission previously, i.e. visual effects, the OWPS notes that to ensure climate change targets are met, taller and more efficient turbines will be required and that '*this will change the landscape*' (no emphasis added);
- A new Local Development Plan 2 (LDP2) is now in place, having been adopted in 2024. LDP2 recognises the '*compelling need to secure more sustainable forms of energy production in order to reduce our carbon footprint*';
- The Proposed Development incorporates peatland restoration and habitat enhancement works, with further details set out in Technical Appendix 7.6. The previous Killean Wind Farm scheme did not involve such environmental improvement works and the inclusion of these elements as an integral part of the Proposed Development must be given significant weight in the planning balance, as required by NPF4 Policy 1;
- The Applicant is proposing a comprehensive package of community benefits which did not form part of the previous scheme. This includes:-
 - a community benefit payment of £5,000/MW/annum;
 - the introduction of a Local Energy Discount Scheme;
 - a commitment to prioritise local companies in the provision of contracts during the development and construction, and operational phases;
 - and a commitment to continue to explore opportunities for and interest in community ownership.

These matters did not form part of the previous application and must now be considered in the wider planning balance;

- The change in approach which Reporters have taken to the addressing the climate emergency in decisions since the adoption of NPF4 is aptly summed up in the Reporters Report into the Rothes III Wind Farm in Moray (DPEA reference WIN-300-5 dated 25th February 2022) where in paragraph 2.181 the Reporter noted:-

‘the urgency of meeting those stringent targets, set with the purpose of avoiding dangerous climate change, must necessarily affect the balance to be struck. This is so for every particular development, notwithstanding that no particular development is required by policy to be permitted. We acknowledge that that is a different view from the position one of us took in making recommendations on the proposed Golticlay windfarm. However, it appears to us that the evidence of the need for new onshore-wind development in particular has moved on since that report was made in early 2020’.

- The above quote shows the material change in the ‘need case’ for more onshore wind between late 2019 when the original Killean application was refused and in February 2022, when the Rothes III PLI report was issued. If anything, this need case has been further strengthened since February 2022 with the publication of the OWPS in December 2022 and the adoption of NPF4 in February 2023. These documents are discussed in Sections 5 and 6; and
- Finally, the Scottish Government’s Programme for Government (September 2023) notes that *‘Responding to the climate crisis is a fundamental priority for this government’* and central to achievement of that is *‘scaling up renewables’* – this represents a clear statement of intent that provides further in principle support to the Proposed Development.

4.2.3. While it is relevant to note the planning history on site, that decision does not determine the prospects for the Proposed Development which must be considered on its own merits, having regard to the different nature of the proposals and the vastly changed energy and planning policy context which now prevails.

5. Energy Legislation and Policy Considerations

5.1. Introduction

5.1.1. This Section of the Planning Statement provides commentary against the most relevant pieces of energy legislation and policy considered to be of most relevance to the Proposed Development. This is not an exhaustive overview of all relevant policies and plans relevant to this subject area, and given the legislative basis and statutory nature of the net-zero targets (discussed further below) only the most salient pieces of legislation and policies are discussed here.

5.2. The Legislative Context

UK Legislation

Climate Change Act 2008

5.2.1. The Climate Change Act 2008³ became law on 26 November 2008 and introduced a legally-binding target for the UK to reduce greenhouse gas (GHG) emissions by at least 80% by 2050, relative to 1990 levels. Efforts to reduce GHG in Scotland contribute to achievement of UK wide targets, as well as meeting Scotland specific targets as discussed below.

The Climate Change Act 2008 (2050 Target Amendment) Order 2019

5.2.2. The UK Government amended the Climate Change Act 2008 in June 2019 to increase the GHG reduction targets for the UK, reflecting the recommendations set out in the Committee on Climate Change (CCC) Report from May 2019 'Net Zero - The UK's contribution to stopping global warming'⁴. The Climate Change Act 2008 (2050 Target Amendment) Order 2019⁵ amended the 2008 Act by passing into law the target for UK GHG emissions to be at least 100% lower than the 1990 baseline by 2050 (net zero by 2050), an increase on the previous target for an 80% reduction by the same date.

Energy Act 2023

5.2.3. The Energy Act 2023 received Royal Assent on 26 October 2023⁶. Originally introduced as the Energy Security Bill in 2022, it seeks to build on the commitment set out in the April 2022 British Energy Security Strategy⁷ to reduce the UK's dependence on volatile fossil fuel markets, by improving domestic energy production and make the UK more self-sufficient when it come to the energy it uses.

5.2.4. Following the introduction of the Act into law, the then Energy Security Secretary Claire Coutinho commented that '*The Energy Act is the largest piece of energy legislation in a generation. It will boost investment in clean energy technologies and support thousands of skilled jobs across the country. It lays the foundations for greater UK energy independence, making us more secure against tyrants like Putin, and helps us to power Britain from Britain*'.

³ <https://www.legislation.gov.uk/ukpga/2008/27/contents>

The Climate Change (Scotland) Act 2009

5.2.5. The Climate Change (Scotland) Act 2009⁸ created the statutory framework for GHG emission reductions in Scotland by setting a target for net Scottish emissions for the year 2050 to be at least 80% lower than the 1990 baseline level. An interim target of a 42% reduction by 2020 was also set out.

5.2.6. The 2009 Act also established the Public Bodies Climate Change Duties which came into force on 1 January 2011. It requires that Public Bodies, which includes the Scottish Ministers as decision makers, exercise their functions:

- in a way best calculated to contribute to deliver the Act's emissions reduction targets;
- in a way best calculated to deliver any statutory adaptation programme; and
- in a way that it considers most sustainable.

Climate Change (Emissions Reduction Targets) (Scotland) Act (2019)

5.2.7. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019⁹ amends the Climate Change (Scotland) Act 2009, by introducing even more ambitious GHG reduction targets. It commits Scotland to becoming a net zero society by 2045 (five years earlier than the rest of the UK).

5.3. Progress Towards Net Zero Targets

5.3.1. In addition to setting a target date of 2045 for reaching net zero emissions, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 also introduced interim targets which included a target to reduce emissions by 75% by 2030 (compared to 1990 levels). In April 2024, the Scottish Government abandoned its target of achieving a 75% reduction in emissions by 2030, recognising that the target is 'out of reach'. The Scottish Government did however note its 'unwavering commitment' to reaching net zero by 2045, a target that remains embedded in statute.

5.3.2. At the same time as announcing that the 2030 GHG reduction target had been abandoned, the Scottish Government also confirmed that it would drop the legally binding annual targets on reducing emissions. The most recent annual targets in the lead up to 2045 are set out in Table 1 below.

5.3.3. The most recent Ministerial Statement on GHG emissions was made to the Scottish Parliament on 19 June 2024¹⁰ when the Net Zero and Energy Cabinet Secretary confirmed that GHG emissions reduced by 50% over the period 1990 to 2022, against a target of 53.8% - therefore the 2022 target was missed.

⁴ <https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/>

⁵ <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>

⁶ <https://www.legislation.gov.uk/ukpga/2023/52/contents>

⁷ <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy>

⁸ <https://www.legislation.gov.uk/asp/2009/12/contents>

⁹ <https://www.legislation.gov.uk/asp/2019/15>

¹⁰ <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-19-06-2024?meeting=15945&iob=136097>

Table 1: GHG Reduction Targets by Year

Year	GHG Reduction Targets (as % of 1990 baseline)	Year (continued)	GHG Reduction Targets (as % of 1990 baseline)
2020 (interim target)	48.5%	2033	79.5%
2021	51.1%	2034	81%
2022	53.8%	2035	82.5%
2023	56.4%	2036	84%
2024	59.1%	2037	85.5%
2025	61.7%	2038	87%
2026	64.4%	2039	88.5%
2027	67.0%	2040 (interim target)	90%
2028	69.7%	2041	92%
2029	72.3%	2042	94%
2030 (interim target)	75%	2043	96%
2031	76.5%	2044	98%
2032	78%	2045	100% (net zero emissions)

5.3.4. The June 204 announcement to Parliament about missing the 2022 target and the earlier decision to abandon the 2030 interim target shows how much work still requires to be done to achieve the long term goal of net zero by 2045. The Proposed Development can make a National Development (see later discussion on NPF4) level contribution to this goal.

5.4. United Nations (UN) Emissions Gap Report 2023 - Broken Record - Temperatures hit new highs, yet word fails to cut emissions (again)

5.4.1. For more than a decade the UN Gap Reports have compared where GHG emissions are heading, against where they need to be, and highlights ways to close the gap. The latest Gap Report, '*Broken Record - Temperatures hit new highs, yet word fails to cut emissions (again)*', was published on 23 November 2023¹¹.

5.4.2. The 2023 Gap Report notes in the Foreword that GHG emissions reached a new high in 2022. While there are signs of progress since the signing of the Paris Agreement in 2015, the report notes that:-

'change must come faster in the form of economy-wide, low-carbon development transformations, with a focus on the energy transition. Countries with greater capacity and responsibility for emissions will need to take more ambitious action and provide financial and technical support to developing nations'.

5.4.3. The Report notes in the Executive Summary that '*Not only was September 2023 the hottest month ever, it also exceeded the previous record by an unprecedented 0.5°C, with global average temperatures at 1.8°C above pre-industrial levels*'. The Report notes that not only were temperature records broken, global GHG emissions and atmospheric concentrations of carbon dioxide also set new records in 2022. As a result, the Report notes that unprecedented action is now needed by all countries and for high-income countries (such as the UK), there is a need to further accelerate '*domestic emissions reductions, committing to reaching*

¹¹ <https://www.unep.org/resources/emissions-gap-report-2023>

net-zero as soon as possible'.

5.4.4. In Chapter 3, the Report notes that *'The United Kingdom Government made a U-turn on climate policies in September 2023 and announced the country is to delay in phasing out new petrol and diesel cars, to delay in phasing out gas boilers and to eliminate the requirement for landlords to improve the energy efficiency of their homes, among other measures'*. In response, the Report notes that the United Kingdom's Climate Change Committee remains *'concerned about the likelihood of achieving the United Kingdom's future targets, especially the substantial policy gap to the United Kingdom's 2030 goal'*.

5.5. Scottish Energy Policy

Onshore Wind Policy Statement (OWPS) 2022

5.5.1. The Onshore Wind Policy Statement¹² (OWPS) was published in December 2022 and clearly sets out that onshore wind will be a critical technology to help deliver the 2030 (now abandoned) and 2045 climate change targets.

5.5.2. The Ministerial Forward notes that *'we must accelerate our transition towards a net zero society'*. It adds that *'Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met'* (emphasis added).

5.5.3. The OWPS quantifies the amount of new onshore wind that is needed in order to meet GHG reduction targets and notes in the Ministerial Foreword that there is an *'ambition of 20GW [GigaWatts] of onshore wind capacity in Scotland by 2030'* to encourage decarbonisation of the energy system. Paragraph 1.1.5 states that Scotland has 8.7GW of onshore wind as of June 2022 with an additional 11.3GW in the pipeline at various stages for the future.

5.5.4. Paragraph 8.4.1 states that onshore wind can also play a greater part in ensuring energy supply security, a key focus of the previously discussed Energy Act 2023.

5.5.5. Chapter 3 'Environmental Considerations: Achieving Balance and Maximising Benefits' references Scotland's Land Use Strategy and recognises that as the country moves towards a net zero economy, there will need to be a significant land use change, from current uses to forestry and peatland restoration and that this needs to happen alongside other essential activities, including onshore wind, while protecting and enhancing habitats.

5.5.6. Paragraph 3.5.6 recognises that as an *'essential part of our energy mix'*, onshore wind deployment will increase in the coming years, providing further opportunities for the sector to contribute significantly to biodiversity ambitions. In the commentary on peat and carbon-rich soils, the OWPS notes that reversing degradation of peat through peatland restoration is central to mitigating and adapting to the linked climate and nature crises. Paragraph 3.3.6 notes that in some cases it will be necessary to construct onshore wind farms on areas of peat, *'given the established need for additional onshore wind turbines to tackle climate change and to ensure long-term availability of cheap renewable energy'* (emphasis added).

¹² <https://www.gov.scot/publications/onshore-wind-policy-statement-2022/>

- 5.5.7. In Section 3.6, the OWPS discusses landscape and visual matters and links with NPF4 (discussed in Section 6 of this Statement). Paragraph 3.6.1 notes that in order to ensure climate change targets are met, taller and more efficient turbines will be required and that *'this will change the landscape'* (no emphasis added). This very clear statement from the Scottish Government recognises that facilitating the route to net zero will result in noticeable changes to the landscape, and this is something as a society we will have to accept. This point is also recognised in Policy 11(e)(ii) of NPF4. Not all renewable energy projects will receive permission however, and the OPWS recognises in paragraph 3.6.1 that the aspiration is to ensure *'the right development happens in the right place'*.
- 5.5.8. Importantly, the OWPS states in paragraph 3.6.2 that *'stronger weight'* (emphasis added) is now to be given to the contribution of a development to the climate emergency in the planning balance, as well as community benefits. If the legally binding climate change targets are to be met, the enhanced need case for more onshore wind to deliver the 2030 20GW ambition needs to be recognised by decision makers.
- 5.5.9. Chapter 5 'Benefits to Local Communities and Financial Mechanisms' notes the Scottish Government's commitment to the principles of a just transition to a net zero economy, meaning that communities across Scotland feel the benefits of this transition. The Applicant is proposing a suite of packages aimed at maximising the socio-economic benefits of the Proposed Development as summarised in Section 3 of this Statement. Further details of these measures are set out in Technical Appendix 13.1.
- 5.5.10. In the concluding chapter, the OWPS describes the deployment of onshore wind as *'mission critical'* for meeting climate targets. There is a clear desire to see the deployment of greater volumes of onshore wind over the coming decade to deliver the ambition of a minimum installed capacity of 20GW by 2030. Critically, the OWPS does not just want developers to deliver onshore wind energy in isolation. Proposals need to maximise the economic, social and environmental benefits too, to help the just transition to a net zero society.

CCC – Progress in Reducing Emissions – 2023 Report to Parliament

- 5.5.11. The above 2023 Report to the Scottish Parliament was published in March 2024¹³. One of the key messages of the report is that Scotland missed the 2021 annual target of a 51.1% reduction in GHG emissions which is the eighth target Scotland has missed within the last 12 years. Secondly, the report noted that the acceleration required in emissions reduction to meet the 2030 target is *'now beyond what is credible'*. The report also noted that *'current overall policies and plans in Scotland fall far short of what is needed'* to achieve the legal emissions reduction targets.
- 5.5.12. In April 2024, in response to the findings of the CCC report, the Scottish Government abandoned its target of achieving a 75% reduction in emissions by 2030, recognising that the target is *'out of reach'*. The Scottish Government did however note its *'unwavering commitment'* to reaching net zero by 2045, a target that remains embedded in statute.

¹³ <https://www.theccc.org.uk/publication/progress-in-reducing-emissions-in-scotland-2023-report-to-parliament/>

Equality, Opportunity, Community – Our Programme for Government, September 2023

- 5.5.13. The Programme for Government was published in September 2023¹⁴ and therefore represents the most recent statement of the Scottish Government's priorities on a range of issues. While the Programme for Government is not an energy policy specific publication, it does set out important statements about how the Scottish Government intends to address various matters relating to the climate emergency, nature crisis and renewable energy, amongst other issues.
- 5.5.14. The First Minister's Foreword notes that the Programme for Government '*puts responding to the climate crisis at the very heart of this government*'. This theme is revisited throughout the document and mirrors the foreword to NPF4 which puts the twin global climate and nature crisis at the heart of the future vision for Scotland. On page 6, the Programme for Government notes that it is a '*moral duty to respond to the climate and nature crises*'.
- 5.5.15. In the commentary on 'Opportunity: Building a fair, green and growing economy', the Programme for Government notes that '*Responding to the climate crisis is a fundamental priority for this government*' and central to achievement of that is '*scaling up renewables*'.
- 5.5.16. Commentary in the Programme for Government from the Cabinet Secretary for Transport, Net Zero and Just Transition recognises that '*Climate change presents an existential threat to all our features*'. There is recognition that action is required now and that '*change is necessary*' which can deliver a more diverse environment, cleaner air, greater energy security and new sources of economic vitality. The programme for Government also states that '*tackling the climate crisis also means protecting our natural environment by halting the loss of habitat and biodiversity*'.

Scottish Energy Strategy (SES) 2017 & Draft Energy Strategy and Just Transition Plan (2023)

- 5.5.17. The SES¹⁵ was published in December 2017 and sets out the Scottish Government's strategy through to 2050, marking a 'major transition' over the next three decades in terms of energy management, demand reduction and generation.
- 5.5.18. The Strategy sets a new 2030 'all energy' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. The Strategy also targets an increase by 30% in the productivity of energy use across the Scottish economy.
- 5.5.19. Page 57 acknowledges that the possible electrification of heat and transport on a large scale could place much greater demand on the renewable electricity sector. Accordingly, page 33 notes that achieving the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030 will be challenging but the target '*demonstrates the Scottish Government's commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland*'

¹⁴<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/09/programme-government-2023-24/documents/equality-opportunity-community-programme-government/equality-opportunity-community-programme-government/govscot%3Adocument/equality-opportunity-community-programme-government.pdf>

¹⁵ <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2017/12/scottish-energy-strategy-future-energy-scotland-9781788515276/documents/00529523-pdf/00529523-pdf/govscot%3Adocument/00529523.pdf>

(emphasis added).

- 5.5.20. Page 41 notes that renewable and low carbon energy will provide the foundation of our future energy system, offering Scotland a huge opportunity for economic and industrial growth. While the SES acknowledges that all renewable energy technologies will have a role to play in the future energy system, the nature of the energy and climate change goals means that *'onshore wind must continue to play a vital role in Scotland's future - helping to decarbonise our electricity, heat and transport systems, boosting our economy and meeting local and national demand'* (page 43) (emphasis added).
- 5.5.21. The Scottish Government published the Draft Energy Strategy & Just Transition Plan¹⁶ (hereafter referred to as the Draft SES) for consultation purposes in January 2023. While the Draft SES may be subject to change following consideration of responses, brief commentary is merited here on certain aspects of its content.
- 5.5.22. The Ministerial Foreword describes the 2020s as a *'decisive decade'* when we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045. It notes the need to reduce dependency on oil and gas, as a means of combating the climate crisis and reducing our exposure to global market volatility in the energy market. The Draft SES seeks to reduce energy costs in the long term and reduce the likelihood of future energy cost crises. It also seeks to achieve the transition to a net zero society in a just manner, so that the employment and economic opportunities associated with it are fully realised.
- 5.5.23. The overall vision is that by 2045:-
'Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve our wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions'.
- 5.5.24. A series of actions are listed on page 24 to achieve this vision, including the need to *'significantly scale up renewable energy production, including on-and offshore wind power, renewable hydrogen, marine energy, solar and hydro'* (emphasis added).
- 5.5.25. Meeting the anticipated increase in demand for domestic electricity forms a key component of the Draft SES, but exporting electricity generated in Scotland is recognised as an economic opportunity. In 'Delivering the Vision' on page 22, the Draft SES states that by 2030 *'Scotland will be a renewable powerhouse, exporting renewable hydrogen and electricity to support decarbonisation in Europe as part of an integrated system with the rest of Europe'*. This opportunity is illustrated in Figure 6 on page 19.
- 5.5.26. Section 3.1 notes that *'increasing levels of home-grown renewable supply will make energy more affordable and ensure it is always available when we need it'*. The Draft SES is not technology specific and there are comments, aspirations and targets for different technology types. It is clear that the Draft SES sees onshore wind as playing a key role in meeting the target of an additional 20GW of renewable energy capacity by 2030. In this respect, onshore wind is expected to provide 12GW of this additional capacity and the Draft SES notes at paragraph 3.1.2 that *'taller and more efficient turbines can be deployed at both new developments and when considering the repowering of existing sites, providing significantly increased*

¹⁶ <https://www.gov.scot/publications/draft-energy-strategy-transition-plan/>

capacity, often without increasing the footprint of an existing site. There are also substantial opportunities associated with repowering onshore wind farms as they come to the end of their lives’.

- 5.5.27. Consistent with the OWPS, the Draft SES seeks to ensure that economic benefits and benefits to communities are maximised as part of the drive to deliver significant additional onshore wind capacity. This is reflected in the wording of NPF4 Policy 11(c).
- 5.5.28. The need to address the nature crisis as we deploy greater volumes of onshore wind is discussed on page 66, recognising that peatland impacts of onshore wind can be significant. As such, there remains a need to balance the benefits of onshore wind deployment with impacts on carbon rich habitats.
- 5.5.29. In Section 3.2 'Reducing Our Reliance on Other Energy Sources', the Draft SES notes that the Scottish Government wishes to ensure the fastest possible transition from dependence on a fossil fuel energy system to one that maximises the value we obtain from Scotland's rich and varied renewable energy resource. This section references NPF4 and states that the Scottish Government will encourage, promote and facilitate all forms of renewable energy development, both onshore and offshore.

6. The Development Plan

6.1. Introduction

- 6.1.1. Unlike planning applications considered under the terms of Section 25 of the Planning Act, the Development Plan does not form the primary basis upon which the application will be determined. The Development Plan will be an important material consideration in the determination of the application, however there is no legislative requirement for the S36 application to be determined in accordance with the provisions of the Development Plan.
- 6.1.2. The statutory Development Plan as it relates to this S36 application comprises the following documents:-
- National Planning Framework 4¹⁷ (NPF4) (2023); and
 - Argyll and Bute Local Development Plan 2¹⁸ (LDP2) (2024).
- 6.1.3. The Scottish Government's Chief Planner issued a letter on 8 February 2023¹⁹ relating to 'Transitional Arrangements for National Planning Framework 4' to provide advice on NPF4 becoming part of the statutory Development Plan. The letter reiterates that, as per Section 13(2)(3) of the Planning (Scotland) Act 2019, in the event of any incompatibility (which is not defined) between a NPF4 provision and a LDP provision, whichever of them is later in date shall prevail. In the case of the Proposed Development therefore, in the event of any policy incompatibility, LDP2 carries greater weight in the planning balance as the more recent document.

6.2. National Planning Framework 4 (NPF4) (2023)

Introduction

- 6.2.1. NPF4 was adopted on 13 February 2023 and now comprises the national element of the statutory Development Plan. NPF4 sets out the long-term vision for development and investment across Scotland and replaces Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3) in their entirety.
- 6.2.2. NPF4 sets out a list of national planning policies to assess applications, alongside national developments and spatial priorities for different regions within Scotland. NPF4 is an Outcome focused document, with each of the 33 planning policies accompanied by statements on 'Policy Intent' and 'Policy Outcomes'.
- 6.2.3. This marks a significant change from the status of the now replaced NPF3 and SPP, which did not form part of the statutory Development Plan. Not only has the status of the document changed, but the wording of key national planning policies has materially altered too, as discussed below.
- 6.2.4. There are two central themes running through NPF4 namely addressing i) the climate emergency and ii) the nature crisis. These key themes are reflected in the detailed wording of many policies, as well as their

¹⁷ <https://www.gov.scot/publications/national-planning-framework-4/>

¹⁸ <https://www.argyll-bute.gov.uk/planning-and-building/planning-policy/local-development-plan-2>

¹⁹ <https://www.gov.scot/publications/chief-planner-letter-transitional-arrangements-for-national-planning-framework-4/>

stated Intent and Outcomes. As the Ministerial Foreword notes:-

'Putting the twin global climate and nature crises at the heart of our vision for a future Scotland will ensure the decisions we make today will be in the long-term interest of our country'.

6.2.5. The Ministerial Foreword also notes that delivering net zero greenhouse gas emissions is one of three 'strategic priorities' alongside addressing child poverty and delivering a wellbeing economy.

6.2.6. While not all renewable energy applications will be granted permission and there is still a need for decision makers to apply the 'planning balance', it is clear that the introduction of NPF4 is having a material effects upon the weight that decision makers give to the global climate emergency and nature crisis. In two Section 36 wind farm cases, and following the introduction of NPF4, Reporters changed their initial recommendations to refuse permission to recommendations to approve,. Those two schemes are:-

- Clashindarroch II Wind Farm (Aberdeenshire); and
- Shepherds Rig Wind Farm (Dumfries & Galloway).

6.2.7. In the case of Clashindarroch II, in the post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-110-2, 3 March 2023), the Reporter concluded in paragraph 2.90 that:-

'I find the weight that should be given to the contribution these proposals make towards renewable energy generation and greenhouse gas emission targets is now greater and necessitates a change to my previous assessment of acceptable'.

6.2.8. A judicial review of the decision of the Scottish Ministers relating to consideration of impacts on wild cat was dismissed by the Court of Session in February 2024.

6.2.9. In the Shepherds Rig Wind Farm case, in that post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-170-2005, 2 March 2023), the Reporter reached similar conclusions in paragraph 3.14:-

'... we recognise the urgent policy imperative in OWPS and NPF4 to deliver additional installed wind farm capacity. These recently published policy statements demonstrate a significant strengthening of policy support for renewable energy developments, to which the proposal would make an obvious contribution. In our original report, we found that the significant effects on the area's recreational resources should be given significant weight, to the extent that they outweighed the aims of delivering renewable energy. In the updated policy context, we find that the proposal's obvious contribution to renewable energy targets causes the benefits as a whole to now clearly outweigh the significant landscape and visual effects'.

6.2.10. The conclusions in respect of the Shepherds Rig Wind Farm case are of relevance here given the reasons the previous Killean Wind Farm was refused permission, i.e. that visual effects of that scheme outweighed the scheme benefits. Given the changed emphasis in national planning policy, the renewable energy benefits of the Proposed Development must now be given more weight that they were in 2019.

6.2.11. Not all post NPF4 wind farm applications have been granted permission and Ministers have refused permission for consent at sites including Clachrie Wind Farm and Kintradwell Wind Farm. For the reasons discussed more fully in the following paragraphs, it is considered that the planning balance in the case of the Proposed Development clearly fall on the side of granting consent. Not only will the Proposed

Development contribute positively to the global climate emergency (and also benefit from National Development status), it will make a positive contribution to the nature crisis, through the implementation of a variety of biodiversity compensation and enhancement measures, further details of which are set out in the OBEMP, EIA Report Appendix 7.6.

6.2.12. The positive contribution that the Proposed Development can make to addressing the twin nature and climate crises is set out in the following policy assessment. The following commentary starts with Part 1 of NPF4, working through the document in chronological order, and considering the Proposed Development against specific planning policies and wider stated outcomes and spatial priorities

NPF4 Part 1 – A National Spatial Strategy for Scotland 2045

6.2.13. Part 1 of NPF4 sets out the national spatial strategy and regional spatial priorities for different parts of Scotland. Six spatial principles are identified which will influence all plans and decisions as follows:-

- Just Transition;
- Conserving and Recycling Assets;
- Local Living;
- Compact Urban Growth;
- Rebalanced Development; and
- Rural Revitalisation.

6.2.14. Application of these spatial principles will support the planning and delivery of:-

- Sustainable Places – where we reduce emissions, restore and better connect biodiversity;
- Liveable Places – where we can all live better, healthier lives; and
- Productive Places – where we have a greener, fairer and more inclusive wellbeing economy.

6.2.15. The commentary in NPF4 on ‘Sustainable Places’ is the most relevant section of Part 1 to this application. Page 6 notes the legislative basis for Scotland’s net zero GHG emissions target by 2045. As a headline objective, the commentary on page 7 states that *‘Scotland’s future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment’*.

6.2.16. Page 7 states that *‘every decision on our future development must contribute to make Scotland a more sustainable place’* and there is encouragement for the expansion of renewable energy generation. To respond to the global biodiversity crisis, *‘nature recovery must be at the heart of future places’* (page 7).

6.2.17. In the ‘Cross-Cutting Outcome and Policy Links’ Box on page 8 ‘Reducing Greenhouse Gas Emissions’, NPF4 states that:-

‘The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole’.

- 6.2.18. In the 'Cross-Cutting Outcome and Policy Links' Box on page 9 'Improving Biodiversity', NPF4 notes that the nature crisis and the global climate emergency underpin the spatial strategy as a whole.
- 6.2.19. These Policy Link Boxes clarify how NPF4 will help achieve the stated outcomes through reference to relevant policies and summary commentary on each. Those NPF4 policies of most relevance to the Proposed Development are discussed in the section below on NPF4 Part 2.

NPF4 Part 2 – National Planning Policy

- 6.2.20. Part 2 of NPF4 sets out the national planning policies. There are 33 national planning policies in total, set out under the three headings of:-
- Sustainable Places;
 - Liveable Places; and
 - Productive Places.
- 6.2.21. For each policy, NPF4 provides commentary on Policy Intent, Policy Outcomes and then discusses implications of the policy for Local Development Plans. Following the policy wording, NPF4 then sets out statements on Policy Impact and cross references to other Key Policy Connections.
- 6.2.22. Those policies considered to be of relevance to the Proposed Development are discussed in the following paragraphs, starting with Policy 11 'Energy', being the most relevant in this case. Thereafter, commentary on policies follows in numerical order.

Policy 11: Energy

- 6.2.23. This policy is the most relevant to the Proposed Development. The Policy Intent is to:
- 'encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)' (emphasis added).*
- 6.2.24. The Policy Outcomes are the *'expansion of renewable, low-carbon and zero emissions technologies'*.
- 6.2.25. To achieve these Outcomes, Policy 11 states in part (a) that *'development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported'* (emphasis added). This includes, *'wind farms including repowering, extending, expanding and extending the life of existing wind farms'* outwith National Parks and National Scenic Areas (NSA) (parts (a)(i) and (b)).
- 6.2.26. On the basis of the above, given the site's location outwith the aforementioned national designations, it is considered that the Proposed Development can draw support from Policy 11 parts (a) in principle. In this respect, NPF4 Part 3 states, *'where a policy states that development will be supported, it is in principle, and it is for the decision maker to take account of all other relevant policies'*. It is also recognised that each application must be treated on its own merits, having regard in particular to the assessment criteria in part (e) of Policy 11.

- 6.2.27. These criteria are discussed below in Table 2, but what is important to highlight at this point is that the final part of Policy 11(e) requires decision makers to give ‘*significant weight*’ to the contribution that a proposal makes to ‘*renewable energy generation targets and on greenhouse gas emissions reduction targets*’. This policy requirement did not exist when permission was refused for the previous Killean Wind Farm in 2019.
- 6.2.28. Part (c) of Policy 11 deals with the socio-economic impacts of renewable energy proposals. It states that ‘*proposals will only be supported where they maximise net economic-impact, including local and community socio-economic benefits such as employment associated business and supply chain opportunities*’.
- 6.2.29. The socio-economic benefits associated with the Proposed Development are set out in the standalone Socio-Economic Impact Assessment. Key factors worthy of note from that assessment are:-
- During its development and construction, the Proposed Development could generate £5.9 million Gross Value Added (GVA) and 80 jobs in Argyll and Bute; and;
 - £18.1 million GVA and 260 jobs in Scotland.
- 6.2.30. During the operational phase, each year the Proposed Development could generate:-
- £0.3 million GVA and three jobs in Argyll and Bute; and
 - £1.1 million GVA and 12 jobs across Scotland.
- 6.2.31. The Proposed Development will also contribute to public finances through the payment of non-domestic rates, which could amount to £0.7 million annually, or £35.6 million over a 50-year operational lifetime. This will support the funding of local public services in the context of challenging public sector finances.
- 6.2.32. Through local partnerships, the Applicant will support communities to develop the skills sought after within the onshore wind sector, to secure jobs and optimise the opportunities associated with the Proposed Development. The Applicant has also committed to prioritise local companies in the provision of contracts during the development and construction, and operational phases.
- 6.2.33. While it is recognised that community benefits are voluntary arrangements, and are not material considerations, the Applicant is committed to maximising local economic benefits by following Scottish Government guidance on community benefits and is offering £5,000 per MW per year during the operational life of the Proposed Development. Based upon a total installed capacity of around 59.4 MW (9 x 6.6 MW wind turbines), this would equate to up to £297,000 annually to the local community, or £14,850,000 during the proposed 50-year operational lifetime. The Socio-Economic Impact Assessment estimates that this could support five jobs in the local economy.
- 6.2.34. As part of the community benefit offering, the Applicant is committed to providing funding to reduce the energy bills of households near to the Proposed Development through its Local Electricity Discount Scheme (LEDS). Although the details of the LEDS are yet to be finalised, the Applicant has adopted a similar scheme within Argyll and Bute as part of the Freasdail Wind Farm, and this provides an example of how this could be reflected for the Proposed Development. At Freasdail, the LEDS results in an annual discount of £235 applied to the electricity bills of all residential, business and community buildings within a 5km radius of the site, which is paid directly to the electricity supplier for the operational life of the wind farm and taken directly off electricity bills.

- 6.2.35. Should consent be granted, the Applicant would work with local communities to ensure the most appropriate structures are set up to ensure that the community benefit fund can be used in a way that meets with local community expectations and ultimately helps to facilitate community wealth building (see also later commentary on NPF4 Policy 25).
- 6.2.36. Furthermore, the Applicant is willing to continue to explore options for shared ownership in the Proposed Development. This type of commercial arrangement usually involves one or more of the local communities taking a stake in a proposed wind farm and receiving profits from it. East Renewable Energy Group (EKREG) has expressed an interest in the case of Killean Wind Farm to fund community development plans, and the Applicant is willing to investigate potential shared ownership models and opportunities, with details being finalised at a later stage.
- 6.2.37. Over and above these benefits, it is important to recognise the strategic importance of the Proposed Development (as a defined National Development) to the provision of a more secure supply of energy for the UK, which in itself will have important economic benefits for society by reducing our exposure to fluctuating energy supplies on the global market
- 6.2.38. Taking the above into account, it is considered that the Applicant has done what it reasonably can at this stage in the process to maximise the socio-economic benefits of the Proposed Development consistent with Policy 11 part (c), noting the commitment to working closely with stakeholders further should consent be granted.
- 6.2.39. Part (d) of Policy 11 confirms that proposals that impact on international or national designations will be assessed in relation to Policy 4. Commentary on Policy 4 is set out below.
- 6.2.40. Part (e) of Policy 11 sets out a list of factors to be considered in the assessment of renewable energy and zero emissions proposals. Part (e) of Policy 11 requires applicants to demonstrate how various factors have been addressed through design and mitigation. The Proposed Development is assessed against these factors in Table 2 below.
- 6.2.41. In discussing the criteria in Policy 11(e), the Reporter in the Glendye Wind Farm report (DPEA Reference WIN-110-3, 2 May 2023) noted in paragraph 9.129 that:-
- 'We do not agree with the interpretation of some parties that all of the items listed must necessarily be fully mitigated or resolved. We agree with the applicant that this should form part of the decision-maker's process of weighing the planning balance'.*
- 6.2.42. Ultimately, therefore, none compliance with one element of Policy 11(e) or other policies for that matter does not mean a development is unacceptable. This would need to be considered as one of a range of issues that applies to the planning balance exercise. NPF4 needs to be considered as a whole.



Table 2: Commentary on NPF4 Policy 11 Part (e)

Policy Criteria	Commentary
<p>Policy 11(e)(i) Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.</p>	<p>The effects of the Proposed Development on these receptors are considered in EIA Report Chapters 5 ‘Landscape and Visual Impact Assessment’ (LVIA); 11 ‘Acoustic Assessment’ and 13 ‘Other Issues’.</p> <p>With regards to shadow flicker EIA Report Chapter 13 notes that there are no inhabited houses within 1,650m of any wind turbine and thus no shadow flicker is predicted (1,650m being ten rotor diameters plus a 100m micro-siting allowance).</p> <p>One property referred to as Braids is located within 1,650m of a wind turbine but an assessment of shadow flicker at this property was scoped out of the assessment as it is uninhabited and would require planning permission to make habitable. The building currently lacks a roof, windows and some walls, and is therefore not considered to be a building used for long-term residential purposes.</p> <p>Table 11.4 in EIA Report Chapter 11 identified the name of residential properties considered as part of the noise assessment and their distance to the nearest wind turbine. The closest separation distance is between the property known as 4 Largie (reference H12) and T9, which is 1,753m.</p> <p>The assessment in EIA Report Chapter 11 considered potential noise effects associated with construction, operation and decommissioning of the Proposed Development. The assessment noted that noise and vibration during the construction and decommissioning phases may well be audible and/or perceptible to people residing in the area, but the levels would be below established noise limits. It is acknowledged that the upgrade of public roads and their use thereof, is expected to occur in close proximity to residential properties. A range of mitigation measures are proposed to ensure these activities do not give rise to significant effects, such as limits on working periods, following best practice etc. Further detail on these measures would be set out in a Construction Environment Management Plan (CEMP), the requirement for which can be controlled through condition. An Outline CEMP (OCEMP) is submitted as Technical Appendix 2.1. With mitigation in place, no significant noise effects are predicted through the construction or decommissioning phases.</p> <p>The operational noise assessment considered noise arising from operation of the wind turbines in line with ETSU-R-97²⁰. The assessment notes that the layout of the wind turbines was carefully designed to ensure that there is an adequate separation distance between the proposed turbines and the nearest residential property (mitigation by design). The assessment concludes that the</p>

²⁰ The Assessment and Rating of Noise from Wind Farms’, The Working Group on Noise from Wind Turbines, ETSU Report for the DTI, ETSU-R-97, September 1996. Available at:

https://assets.publishing.service.gov.uk/media/5a798b42ed915d07d35b655a/ETSU_Full_copy_Searchable_.pdf



Policy Criteria	Commentary
	<p>Proposed Development operating in isolation and cumulatively with the operational Deucheran Wind Farm and the proposed Clachaig Glen Wind Farm meets the requirements of ETSU-R-97. As a result, no additional mitigation is required. Notwithstanding, Technical Appendix 11.6 sets out draft planning conditions relating to noise that the Applicant considers appropriate, should these be considered necessary.</p> <p>EIA Report Chapter 5 (the LVIA) notes that there are twelve residential properties within 2km of the Proposed Development. A preliminary assessment of the impacts of the Proposed Development upon these properties was undertaken and is set out in Technical Appendix 5.4 'Preliminary Assessment of Visual Receptors'. Of these twelve properties, the preliminary assessment found that a single property, Kilmory, has the potential to experience significant visual effects. Potential effects on this property were assessed in detail in the Residential Visual Amenity Assessment (RVAA) in Technical Appendix 5.6. Kilmory is located 1,968m to the nearest turbine (T9) and has easterly oblique views to the site. The blades of 9 turbines would be visible and 5 hubs. The RVAA concluded that while residents at this property would experience some visual effects, these would not be of such a scale as to become dominant or overbearing.</p> <p>Following an initial sieving exercise, the LVIA in Chapter 5 noted that the settlements of Killean, Tayinloan, Ardminish (on Gigha) and Pirnmill (Isle of Arran) were identified as likely to experience potentially significant effects. Detailed assessments against each settlement (which included consideration of the impacts of visible aviation lighting) are set out in Section 5.6 of the LVIA which concludes as follows:-</p> <ul style="list-style-type: none"> • <u>Killean</u> – located approximately 2.6km from the Proposed Development, while there is theoretical visibility of some turbines from within parts of the settlement, the Proposed Development would introduce a very low magnitude of change and no significant effects would arise; • <u>Tayinloan</u> – located approximately 2.6km from the Proposed Development, while there is theoretical visibility of some turbine tips from within parts of the settlement, there would be no theoretical visibility of any hubs from within the settlement. Theoretical visibility of turbine tips would largely be screened by intervening topography and the Proposed Development would introduce a very low magnitude of change and no significant effects would arise; • <u>Ardminish</u> – is located approximately 7.6km to the west on the eastern shores of Gigha. There is theoretical visibility of all nine turbines and hubs from the settlement. The proposed turbines would not introduce new features to the skyline, with existing operational turbines already present in views further south along the peninsula. However, they would appear more prominent due to their closer proximity. The effect would be moderate and significant. While all four lit turbines would be visible, the effect is considered moderate/minor and would be



Policy Criteria	Commentary
	<p>not significant; and</p> <ul style="list-style-type: none"> • <u>Pirnmill</u> – located approximately 14km to the east of the Proposed Development on the western shore of the Isle of Arran, there is theoretical visibility of up to all nine turbines and up to six hubs from the settlement. During daytime, there would be a low magnitude of change, which is not significant. Two of the four lit turbines would be theoretically visible which would introduce a very low magnitude of change that would be not significant.
<p>Policy 11(e)(ii) Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.</p>	<p>This part of Policy 11 notes that proposals will generally be acceptable where significant landscape and visual effects are localised and/or appropriate design mitigation has been applied. The policy does not require that all landscape and visual effects need to be localised to be acceptable. Where appropriate design mitigation has been applied and effects extend beyond what may be considered localised, then these too will generally be found to be acceptable.</p> <p>Secondly, this part of Policy 11 makes it clear that where significant landscape and visual effects are localised and/or design mitigation has been applied, the expectation is that these effects will generally be considered acceptable. The corollary is that it would be unusual for such effects to be considered unacceptable. A Design Statement is submitted with the application which sets out how the Applicant approached the design of the Proposed Development, considering a range of factors such as the previous refusal, topography, planning policy and guidance, landscape designations, viewpoints and other issues. This Design Statement is discussed further in relation to LDP2 policies which focus specifically on design matters.</p> <p>Dealing with landscape designations and character first, it is important to note that there are no national landscape designations covering the site. The North Arran NSA is located approximately 12km to the east. The Proposed Development is not located within a Wild Land Area (WLA) either. The nearest WLA is the North Arran WLA (WLA 03) located approximately 13km to the east of the Proposed Development. No part of the site is located with any local level landscape designations (referred to in Argyll and Bute as Local Landscape Areas (LLA)), with the exception of a small part next to the junction with the A83, where a proposed turning area would be located opposite the entrance to the site access track to allow large vehicles sufficient space to turn on to the site access track.</p> <p>EIA Report Figures 5.9 and 5.10 show the location of the site relative to various landscape designations.</p> <p>A preliminary assessment of potential impacts upon landscape designations was undertaken to decide which should be taken forward for detailed assessment. This is presented in Technical Appendix 5.3 ‘Preliminary Assessment of LCTs and Designations’ which concluded that the North Arran NSA and the West Kintyre</p>



Policy Criteria	Commentary
	<p>Coast LLA should be taken forward for detailed assessment in the EIA. No other landscape designations were taken forward for assessment. That same preliminary appraisal concluded that some Landscape Character Types (LCT) should also be taken forward for assessment; namely:-</p> <ul style="list-style-type: none"> • LCT 1b ‘Arran Raised Beach Coast’; • LCT 6 Upland Forest Moor Mosaic; • LCT 19 Coastal Plain; • LCT 20 Rocky Mosaic; • LCT 21a ‘Arran Rugged Granatic Uplands’ and • LCT 22 Coastal Parallel Ridges. <p>Brief summaries of the findings of these detailed assessments are set out below:-</p> <ul style="list-style-type: none"> • <u>North Arran NSA</u> - The assessment of effects on the Special Landscape Qualities (SLQs) of the North Arran NSA found that the two SLQs assessed in detail, would experience no greater than a moderate level of effect during daylight hours and a minor moderate effect during daylight hours, neither of which would be considered significant and that effects that would occur would not be of such a scale to undermine the overall integrity of the NSA; • <u>West Kintyre Coast LLA</u> - the assessment found that there would be very localised significant effects in the location of the proposed turning area that overlaps the eastern edge of the LLA opposite the site entrance and indirect significant effects on views that would extend to approximately 5km to the north and west. Overall, the addition of the Proposed Development would not undermine the understanding or appreciation of the underlying landscape of the LLA or its key qualities; • <u>LCTs</u> – of the six LCTs taken forward for detailed assessment, only LCT 6 would experience significant effects (that being the LCT where the site is located). The LVIA in EIA Report Chapter 5 concludes that direct and significant effects on this host LCT would arise. Indirect and significant effects would extend to approximately 5.7km to the north east, 5km to the east and south east, 5km to the south and 1.6km to the west. <p>The NSA and LLA are discussed further in relation to NPF4 Policy 4.</p> <p>The visual effects of the Proposed Development were considered from 17 representative viewpoints (VPs). A summary of the visual effects at each of these VPs is set out in EIA Report Table 5.6, which considered both daytime and nighttime views. That assessment concluded that there would be significant visual effects at six VPs during the operational period during daytime (VP1, VP2, VP4, VP5, VP6 and VP8). During the hours of darkness and as a result of aviation lighting significant visual effects were also found for VP1, VP2 and VP5, but not significant for any other VP.</p>



Policy Criteria	Commentary
	<p>Overall, as is to be expected for a commercial scale wind farm some significant landscape and visual effects will arise with the Proposed Development. As a result of the application of mitigation by design, the LVIA concludes that the Proposed Development only gives rise to <u>localised</u> landscape and visual effects.</p> <p>There is no guidance as to what constitutes ‘localised’ in the context of this policy, and it will be for the decision maker to consider this on a case by case basis but further commentary on this is set out in the later discussion on NPF4 Policy 4.</p> <p>In this case, the LVIA considers that the landscape has the capacity to accommodate the effects identified, particularly when the consented but as yet unbuilt wind farms in the surrounding landscape are taken into account.</p>
<p>Policy 11(e)(iii) Public access, including impact on long distance walking and cycling routes and scenic routes.</p>	<p>The LVIA in Chapter 5 considered potential visibility of the Proposed Development from a range of walking routes as well as from west coast ferry routes. One cycle route passes through the detailed 20km LVIA study area. This Sustrans route, is formerly part of National Cycle Network (NCN) 78 The Caledonia Way. Due to the very limited theoretical visibility of the Proposed Development from this route, it was not taken forward for further assessment in the LVIA.</p> <p>Some of the 17 VPs are also representative of recreational routes, as summarised in Table 5.2 of EIA Report Chapter 5. Summaries of the assessments against paths, trails, road and ferry routes are set out in Tables 5.8 – 5.11 of EIA Report Chapter 5. For clarity, these assessments consider visual effects only. It is possible that a temporary diversion to the Kintyre Way may be required during construction works to avoid any conflict between users of the Kintyre Way and construction traffic. If such a diversion is required, details of the routing, associated signage and periods of closure would be agreed in advance with the Council prior to works commencing. These matters can be agreed through planning condition.</p> <ul style="list-style-type: none"> • <u>Core Paths</u> – EIA Report Table 5.8 confirms that some significant day time and/or night time visual effects will arise upon stretches of Core Paths C094; C095; C096; C539 (Gigha); • <u>Scotland’s Great Trails</u> - EIA Report Table 5.9 confirms that some significant day time and/or night time visual effects will arise upon stretches of the Kintyre Way; • <u>Roads (specifically the A83)</u> – no significant effects were found for travellers on either the south bound or north bound A83; and • <u>Ferry Routes</u> – a significant day time effect was found for users of the Ardminish (Gigha) – Tayinloan (Kintyre) ferry for a stretch of approximately 4.5km, crossing the Sound of Gigha. No significant night time effects were found for this route. No significant day or night time effects were found for



Policy Criteria	Commentary
	<p>the Kennacraig (Kintyre) – Port Askaig/Port Ellen (Islay) or Lochranza (Arran) – Claonaig (Kintyre)/Tarbert ferry routes.</p>
<p>Policy 11(e)(iv) Impacts on aviation and defence interests including seismological recording.</p>	<p>EIA Report Chapter 11 ‘Aviation’ considers impacts of the Proposed Development upon these interests. As that assessment confirms, engagement with aviation stakeholders has been undertaken through the design evolution phase. Due to the height of the proposed turbines they would require visible aviation lights. A reduced aviation lighting scheme has been agreed with the Civil Aviation Authority (CAA) meaning that four of the nine proposed turbines (T3, T6, T8 and T9) would require to be lit with visible lights on their hubs. It has also been agreed with the CAA that intermediate tower lighting would not be required.</p> <p>The Proposed Development will potentially impact the National Air Traffic Services (NATS) En Route Ltd radar at Lowther Hill, and the Instrument Flight Procedures (IFP) at Campbeltown Airport. For the Lowther Hill radar, mitigation has been identified and it is expected that a Radar Mitigation Scheme will be agreed. Highland and Island Airports Limited (HIAL) has accepted the findings of an independent consultant report that the Proposed Development will have no impact on the airport’s IFPs. Infrared lighting will be agreed with the Defence Infrastructure Organisation (DIO) for the MOD low flying requirements.</p> <p>The requirement for agreement on any outstanding aviation matters can be addressed through the imposition of planning conditions and there will be no residual effects upon aviation or defence interests. The Applicant has set out in Technical Appendix 12.2 a proposed draft condition to secure a reduced visible lighting scheme for the Proposed Development, based upon a condition attached to the April 2024 consent for Rowan Wind Farm (ECU Reference 00003230).</p>
<p>Policy 11(e)(v) Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.</p>	<p>EIA Report Chapter 13 ‘Other Issues’ confirms that as the Proposed Development does not affect any fixed links, no impacts upon any telecommunications or broadcasting installations are predicted.</p>
<p>Policy 11(e)(vi) Impacts on road traffic and on adjacent trunk roads, including during construction.</p>	<p>EIA Report Chapter 10 ‘Traffic and Transport’ finds that the maximum traffic impact associated with the construction phase is predicted to occur in Month 8. During this month, an average of 316 two-way HGV movements is predicted per week. Assuming a 5.5 day working week, the daily HGV trip generation for Month 8 of the construction programme would equate to 57 two-way movements or approximately 5 two-way HGV movements per hour over the course of 12 hour working day.</p> <p>In addition to HGV movements, a maximum of 40 two-way vehicle movements per day (non-HGV) has been assumed for the purposes of the assessment, representing a robust scenario with all construction personnel choosing to drive individually to site.</p> <p>The assessment of the Proposed Development does not predict any significant effects on traffic or access, and as a result no</p>



Policy Criteria	Commentary
	<p>mitigation is required to address any predicted environmental effects associated with the increased traffic generated during the worst-case month of the construction programme. Notwithstanding, standard additional good practice measures are considered appropriate and these would be set out in a Construction Traffic Management Plan (CTMP), which can be secured through planning condition.</p> <p>Traffic levels during the operational phase of the Proposed Development will be very low i.e. 2-3 vehicles per day for operation and maintenance purposes.</p> <p>The Route Survey Report (EIA Report Technical Appendix 10.1) indicates that the AIL delivery route from the assumed Port of Entry at Campbeltown Harbour will require some remedial works and 3rd party land to facilitate delivery of the turbine components to site. The Applicant is currently engaged with relevant landowners to progress these matters.</p>
<p>Policy 11(e)(vii) Impacts on historic environment.</p>	<p>EIA Report Chapter 6 ‘Cultural Heritage’ considers potential impacts arising from the construction and operational phases of the Proposed Development. It considers potential direct impacts (e.g. disturbing archaeology) as well as indirect effects (impacts upon the setting of historic environment assets). For the purposes of the assessment Inner and Outer Study Areas were adopted, as shown on EIA Report Figures 6.1 and 6.2 respectively.</p> <p>The assessment reports that there are no known, previously recorded and identified cultural heritage assets that would receive a direct effect from construction of the Proposed Development that is considered to be significant in EIA terms. There is a low potential for direct effects on buried archaeological remains during construction works, but mitigation including fencing off known assets near to construction works and the undertaking of archaeological monitoring during construction would ensure no significant effects would arise (See EIA Report Table 6.5).</p> <p>The assessment considers that the Proposed Development may have indirect effects on the setting of cultural heritage assets in both the Inner Study Area and the Outer Study Area. There is potential for the turbines to be present in views toward and from Scheduled Monuments, Listed Buildings, and Inventory Gardens and Designed Landscapes in the vicinity of the Proposed Development. A number of these assets were taken forward for assessment of operational phase effects as discussed in Section 6.8 of EIA Report Chapter 6, supported by Technical Appendices 6.1 and 6.2 and accompanying cultural heritage visualisations, as set out in Technical Appendix 6.3.</p> <p>The assessment of operational phase effects finds significant (Moderate significance) effects on the settings of three groups of assets:</p> <ul style="list-style-type: none"> • A group of non-statutory register (NSR) assets at Braids, including hut-circle and cup and ring marked rocks;



Policy Criteria	Commentary
	<ul style="list-style-type: none"> • A group of NSR assets - cup-marked rocks - at Lagloskine; and • A group of shielings (including an NSR asset - cup-marked rock) at Loch Dirigidale. <p>For each asset, the assessment concludes that while the predicted effects would be significant in EIA terms, the change in their setting would not reduce or adversely affect the cultural significance of the assets.</p> <p>Technical Appendix 6.2 confirms that no Scheduled Monument or Listed Building would experience significant effects upon their settings as a result of the operation of the Proposed Development.</p>
<p>Policy 11(e)(viii) Effects on hydrology, the water environment and flood risk.</p>	<p>EIA Report Chapter 9: ‘Geology, Hydrology and Hydrogeology Assessment’ considers the potential impacts of the Proposed Development upon these receptors. It is accompanied by associated Technical Appendices 9.1-9.4 addressing peat landslide risk; peat management; watercourse crossings and a private water supply (PWS) assessment.</p> <p>A comprehensive suite of embedded mitigation and best practice measures has been incorporated into the design of the Proposed Development, referred to as ‘embedded mitigation’ and summarised in Section 9.6 of EIA Report Chapter 9. In addition, it is proposed that a range of good practice measures will be adopted during construction to further minimise the potential for significant effects upon hydrology and the water environment. These measures are set out in an OCEMP, submitted as Technical Appendix 2.1 Should consent be granted, it is expected a detailed CEMP would be submitted for approval prior to the commencement of development</p> <p>Published mapping confirms the site is not located in an area identified as being at flood risk. Accordingly, a detailed flood risk and drainage impact assessment was scoped out of the assessment in Chapter 9. A simple screening of potential flooding sources (fluvial, coastal, groundwater, infrastructure etc.) is presented in the Chapter 9, Section 9.5 and summarised in Table 9.9.</p> <p>Overall, Chapter 9 concludes that residual effects on hydrogeology, hydrology and geology receptors (including flood risk) following the implementation of mitigation measures are all not significant, see EIA Report Table 9.11.</p>
<p>Policy 11(e)(ix) Biodiversity including impacts on birds.</p>	<p>Effect upon biodiversity and birds are considered in EIA Report Chapters 7 ‘Ecology’ and 8: ‘Ornithology’. Both chapters confirm that the Proposed Development has been designed to minimise impacts upon ornithological and biodiversity interests, (including protected species and designated sites) as far as practicable, achieved through embedded mitigation and an iterative design process.</p>



Policy Criteria	Commentary
	<p>In terms of ecology and biodiversity, EIA Report Chapter 7 considers potential impacts across the construction and operational phases upon habitats, protected species and designated sites. Prior to the implementation of mitigation, the assessment considers that there would be potentially significant impacts during the construction phase upon habitats; upon European Protected Species; upon species specially protected under Schedule 5 of the 1981 Wildlife & Countryside Act and badgers. With the implementation of mitigation all significant effects would reduce to non-significant levels as summarised in EIA Report Table 7.12. With regards to habitat loss, a Biodiversity Enhancement Management Plan (BEMP) will be implemented to deliver a net gain in peatland habitat. An OBEMP is included in Technical Appendix 7.6, and this is discussed further below in relation to NPF4 Policy 3.</p> <p>Overall, the assessment concludes there are not likely to be any significant residual effects on ecology as a result of the Proposed Development assuming that mitigation measures referred set out in the chapter are adopted.</p> <p>The Proposed Development would not affect the favourable conservation status of any species/community of conservation importance within the natural heritage zone (NHZ), and it would also not contribute to any Likely Significant Effect (LSE) on any Special Protection Area (SPA) qualifying interests.</p> <p>EIA Report Chapter 8 considered potential impacts upon birds, including qualifying interests of SPAs. That Chapter confirms that there are four statutory designated nature conservation sites of ornithological importance around the Proposed Development, as follows:-</p> <ul style="list-style-type: none"> • Kintyre Goose Roosts SPA/Ramsar/SSSI – 540m north-east of the Proposed Development at its closest point; • Sound of Gigha SPA – 600m west of the Proposed Development; • Rhunahaorine Point SSSI – 1.7 km north-west of the Proposed Development; and • Arran Moors SPA – 19 km south-east of the Proposed Development. <p>The locations of these designations are shown on EIA Report Figure 7.1, while further details about the qualifying interests are set out in Chapter 8.</p> <p>Table 8.17 provides a summary of the effects of the Proposed Development on features of ornithological interest. This demonstrates that there are not likely to be any significant residual impacts on ornithology as a result of the construction and operation of the Proposed Development. The Proposed Development would also not affect the favourable conservation status of any bird species of conservation importance within the NHZ. Finally, the assessment also concludes that the Proposed Development would</p>



Policy Criteria	Commentary
	also not result in any adverse effect on the integrity of any SPA qualifying interests, nor would it result in any breach of the Habitats Regulations.
Policy 11(e)(x) Impacts on trees, woods and forests.	<p>In total 41.3ha of woodland requires to be felled to facilitate the Proposed Development, further details about which are set out in Technical Appendix 2.3 'Forestry Report'. This tree felling would have been undertaken in any case as part of the normal crop rotation of a commercial forest, but would be brought forward and felled sooner than originally set out in the Baseline Felling Plan.</p> <p>Impacts on trees including commentary on compensatory planting is discussed further in relation to NPF4 Policy 6.</p>
Policy 11(e)(xi) Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.	These matters can be covered by planning conditions as deemed necessary and would be discussed post submission with Argyll and Bute Council.
Policy 11(e)(xii) The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.	This matter can be covered by planning conditions consistent with other projects across the country.
Policy 11(e)(xiii) Cumulative impacts.	<p>Each chapter of the EIA Report considers the potential for and significance of cumulative impacts associated with the Proposed Development. While each assessment adopted its own study area for the cumulative assessments, EIA Report Figure 5.27 shows the location and planning status of all wind farms within 20km of the Proposed Development.</p> <p>With the exception of EIA Report Chapter 5 'LVIA' and Chapter 6 'Cultural Heritage', no potentially significant cumulative effects were found.</p> <p>The LVIA considered a range of potential cumulative effects and under different scenarios with differing planning status for schemes than at present. The only scheme which the Proposed Development would have the potential to give rise to significant cumulative effects in combination with is the Clachaig Glen Wind Farm. The LVIA considers that potential cumulative effects would arise on LCTs and on visual receptors in close proximity to the site, including the settlement of Ardmish on Gigha, receptors travelling on the Ardmish to Tayinloan ferry and a short section of the Kintyre Way, which corresponds to Core Path C094 – Tayinloan-Carradale East-West link.</p> <p>The LVIA also considered the overall totality of the cumulative landscape and visual effects when the Proposed Development is considered alongside the other operational and proposed schemes. Collectively the operational and proposed schemes would serve to result in wind energy being seen as a periodic feature across the wider landscape of the Kintyre Peninsula in all directions</p>



Policy Criteria	Commentary
	<p>surrounding the site, with significant effects to localised areas of landscape character and some visual receptors. The addition of the Proposed Development would serve to reinforce this pattern.</p> <p>In terms of cultural heritage, EIA Report Chapter 6 identified the potential for cumulative effects from the Proposed Development in combination with the proposed Clachaig Glen Wind Farm. These impacts would be upon cup-marked rocks at Braids and Lagloskine, and those along the Clachaig Water, with all of the latter lying within the application site of the Clachaig Glen Wind Farm. This combined cumulative impact would, however, be no greater than the effect of the Proposed Development alone i.e., of medium magnitude and moderate significance.</p>

6.2.43. As this commentary demonstrates the Proposed Development will give rise to some significant environmental effects that cannot be mitigated further. These relate to landscape and visual effects and the effects upon the setting of three cultural heritage assets (but these are not Listed Buildings, Scheduled Monuments or GDLs i.e. the highest sensitivity for cultural heritage assets). While recognising that some significant landscape and visual effects will arise, the LVIA in EIA Report Chapter 5 considers that these will be 'localised', across affected LCTs and LLAs.

6.2.44. NPF4 Policy 11 now explicitly recognises in national planning policy that significant landscape and visual impacts *'are to be expected for some forms of renewable energy'*. Policy 11 also notes that proposals will generally be acceptable where significant landscape and visual effects are localised and/or appropriate design mitigation has been applied. The design of the Proposed Development has resulted in a scheme where the spread of landscape and visual effects is considered to be in line with policy.

6.2.45. Effects on the three cultural heritage receptors, while significant in EIA terms, do not give rise to a conflict with NPF4 as discussed more fully in the later commentary on NPF4 Policy 7.

6.2.46. Positive effects would arise as a result of the Applicant's proposed environmental enhancement activities, are discussed further below in relation to NPF4 Policy 3.

6.2.47. To add to this commentary, it is relevant to note that at the end of the part (e) assessment criteria after part (xiii), Policy 11 states that:-

'In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets' (emphasis added)

6.2.48. Whereas previously it was down to the discretion of individual decision makers about what weight they decided to give to a particular matter, Policy 11 now explicitly states that as a matter of national planning policy, they must give significant weight to the renewable energy benefits of a scheme in the planning balance (this is also set out in Policy 1 which also addresses the nature crisis and is discussed below).

6.2.49. The strength of this new policy has been demonstrated in the aforementioned Shepherds Rig and Clashindarroch II Wind Farm cases, where previous recommendations to refuse permission were amended to recommendations for approval, following the adoption of NPF4 and those Reporters giving 'significant weight' to the project benefits in the planning balance.

6.2.50. In considering Policy 11 overall, it is important to remember that the stated policy Outcome is:-

'Expansion of renewable, low-carbon and zero emissions technologies'.

6.2.51. Following the policy summary in Table 2 it is considered that the Proposed Development can be positively assessed against the individual criteria of Policy 11 individually and when the policy is considered in the round.

Policy 1: Tackling the Climate and Nature Crises

6.2.52. Policy 1 states in full that:-

'When considering all development proposals significant weight will be given to the global climate and nature crises'.

6.2.53. The Policy Intent is to *'encourage, promote and facilitate development that addresses the global climate emergency and nature crises'*. The Policy Outcomes are *'zero carbon, nature positive places'*.

6.2.54. This policy applies to all forms of development and not just renewable energy proposals. The reference to the need to give *'significant weight'* to the global climate and nature crises in this overarching policy aligns with but goes further than Policy 11, which does not specifically mention the nature crisis.

6.2.55. The language of this overarching policy is very clear and shows the seriousness with which Ministers are treating these two fundamental issues.. Combined with the Policy Intent and Policy Outcomes, there can be no doubt about what this policy is designed to achieve and what it requires of decision makers. It clear that there is no longer any discretion about what weight should be given to these matters in the planning balance, and this marks a notable and significant shift in national planning policy which has been put into practice by Reporters and Ministers on recent wind farm cases.

6.2.56. For example, in their assessment of Policy 1 in the Glendye Wind Farm case, the Reporters noted in paragraph 9.100 that:-

'there is a strong needs case for the ongoing delivery of renewable energy and we recognise that this is all the more essential given the Scottish Government's declaration of a Climate Emergency in 2019, and legally binding targets introduced in 2020 for net zero greenhouse gas emissions by 2045'.

6.2.57. In discussing NPF4 Policy 1 they continued in paragraph 9.109 and stated that:-

'The national development status of the proposed development, which clearly identifies that the proposal is capable of providing strategic-scale renewable energy generation, leads us to conclude that its contribution to the achievement of net zero must be given significant weight under the terms of the policy'.

6.2.58. The Proposed Development will generate around 59.4MW of renewable electricity which will help meet the Scottish Government's net zero ambitions by 2045. The Proposed Development is a National Development as defined in Annex B of NPF4. This is discussed below.

6.2.59. Biodiversity improvements are an integral part of the Proposed Development, not an afterthought. The



principles of the Applicant's biodiversity improvements are set out in the OBEMP (Technical Appendix 7.6) and are discussed below on Policy 3. The dual benefits of the Proposed Development will ultimately make a positive contribution to the Policy Outcomes of Policy 1 which is to deliver 'Zero carbon, nature positive places'. These factors allow the Applicant to draw strong support from Policy 1 for the Proposed Development.

Policy 3: Biodiversity

- 6.2.60. The Intent of Policy 3 is *'to protect biodiversity, reverse biodiversity loss, deliver positive benefits from development and strengthen nature networks'*. The Policy Outcomes are that *'biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions'*.
- 6.2.61. Policy 3 sets out a range of criteria that vary depending upon the scale and type of development proposed. Part (a) applies to all scales of development and states that proposals will contribute to the enhancement of biodiversity including, inter alia, restoring degraded habitats and building and strengthening nature networks and the connections between them. Part (b) relates to *'national or major development or for development that requires an Environmental Impact Assessment'*. This part of Policy 3 states that proposals will only be supported where they will conserve, restore and enhance biodiversity *'so that they are in a demonstrably better state than without intervention'*. Part (b) continues and sets five criteria that proposals will be expected to meet. These are discussed in Table 3 below.
- 6.2.62. Before commenting on Policy 3(b), it is worth noting that the Scottish Government's Chief Planner issued a letter on 22 November 2023²¹ providing an update on various planning issues. Within that letter, the Chief Planner confirmed that NatureScot will shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 Policy 3b. A consultation exercise on the development of this metric closed on 10 May 2024²². For the time being therefore, there is no standard agreed national metric for considering schemes against NPF4 Policy 3b.
- 6.2.63. In considering the Proposed Development against Policy 3(b), particular regard has been had to the OBEMP in Technical Appendix 7.6. The purpose of this document is to outline proposals that will be :-

'needed to ensure that the proposed Killean Wind Farm delivers a biodiversity net gain, in terms of the biodiversity objectives of NPF4'.
- 6.2.64. The document is in draft format only at present and would be developed further in consultation with key stakeholders should consent be granted. The commentary below is based upon the proposals set out in the OBEMP.

Table 3: Commentary on NPF4 Policy 3 Part (b)

Criteria	Commentary
Policy 3(b)(i) <i>'The proposal is based on an understanding of the existing characteristics of the site and its</i>	The EIA Report accompanying the application for the Proposed Development is based upon a thorough understanding of the site and its ecological context, obtained through desk-based assessment, field work and consultation. The assessment of the

²¹ <https://www.gov.scot/publications/chief-planner-letter-stakeholder-update-autumn-2023/>

²² <https://www.nature.scot/doc/biodiversity-metric-scotlands-planning-system-key-issues-consultation>



Criteria	Commentary
<p><i>local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats’.</i></p>	<p>impacts of the Proposed Development, mitigation measures and enhancement proposals have been informed by a significant understanding of the site built up over several years of surveys, and drawing upon work associated with the previous wind farm proposal on the same site, consistent with this policy requirement.</p>
<p>Policy 3(b)(ii) <i>‘Wherever feasible, nature-based solutions have been integrated and made best use of.’</i></p>	<p>NPF4 defines nature-based solutions as <i>‘...actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human wellbeing and biodiversity benefits’.</i></p> <p>The Proposed Development proposes a range of measures to deliver biodiversity enhancement, which are set out in Technical Appendix 7.6. Target species/habitats are:-</p> <ul style="list-style-type: none"> • Peatland enhancement; • Black Grouse; • Red-throated diver; • Greenland white-fronted goose; and • Hedgerow replacement. <p>It is expected that these proposals would be subject to further detailed work and development, should consent be granted and this will be secured through an appropriately worded planning condition. At this stage, it is considered that the measures outlined above are consistent with the objectives of this criterion.</p>
<p>Policy 3(b)(iii) <i>‘An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements’.</i></p>	<p>The design of the Proposed Development has sought to implement the mitigation hierarchy (NPF4 definition, page 153) and avoid features of biodiversity importance wherever possible. Where adverse effects were identified, mitigation and/or enhancement measures are identified which are detailed in the ‘Mitigation’ sections of EIA Report Chapters 7 and 8. Following implementation of these measures, both chapters conclude no significant residual effects will arise upon any receptor or designation.</p>
<p>Policy 3(b)(iv) <i>‘Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate’.</i></p>	<p>The OBEMP in Technical Appendix 7.6 sets out the range of measures the Applicant envisages it will undertake to deliver significant biodiversity enhancement. These measures go beyond mitigating the effects of the Proposed Development. A key focus of the OBEMP is the enhancement of a target of a minimum of 15.4ha of peatland (see EIA Report Figure 7.6.1 for locations) which would have a range of biodiversity benefits, including for some species of birds.</p> <p>EIA Report Chapter 7 concludes that these measures will ensure that habitat losses are offset through an increase in peatland habitat quality and that there will be an overall net gain.</p> <p>Should consent be granted, the OBEMP would be finalised in consultation with relevant stakeholders and landowners post consent and prior to the commencement of development, will include a monitoring programme to assess the effectiveness of the agreed measures.</p>

Criteria	Commentary
Policy 3(b)(v) <i>'Local community benefits of the biodiversity and/or nature networks have been considered'.</i>	The focus of the Applicant's enhancement measures have been on securing biodiversity and nature conservation benefits. Throughout the public consultation events no specific queries or requests for enhanced access through the site have been made or specific biodiversity improvement projects for the wider community. That is not to say that such projects could not come forward at some point in the future and should consent be granted, the Applicant would work with local communities to ensure, for example, that the community benefit fund is used in a way that meets with local community expectations. This may involve further consideration of the biodiversity proposals.

Policy 4: Natural Places

- 6.2.65. This policy sets the basis for assessing applications that affect European natural heritage designations, such as SPAs, as well as proposals affecting National Parks and NSAs and also local level natural heritage and landscape designations. The Policy Intent is to *'protect, restore and enhance natural assets making best use of nature-based solutions'*. There are two Policy Outcomes namely (i) *'natural places are protected and restored'* and (ii) *'natural assets are managed in a sustainable way that maintains and grows their essential benefits and services'*.
- 6.2.66. Part (a) states that proposals that have an 'unacceptable' impact on the natural environment will not be supported. Parts (b), (c) and (d) relate to European, national and local level designations. The location of these designations are shown on EIA Report Figures 7.1 and 7.2.
- 6.2.67. Potential impacts upon European natural heritage sites such as SPAs and SACs and national heritage sites such as SSSIs were considered in EIA Report Chapters 7 and 8. Within Chapter 7 the following natural heritage designations were considered:-
- Rhunahaorine Point SSSI – 1.7 km north-west from the site;
 - Inner Hebrides and the Minches SAC – 5km north; and
 - Tarbert Woods SAC – 13 km north-east
- 6.2.68. With regards to the SSSI, the assessment concluded that none of its non-avian features would be affected by the Proposed Development. No potential pathways were identified for any qualifying features of any SAC, so it was concluded that there would be no LSE on any SAC under the Habitats Regulations (see EIA Report Table 7.5 for a summary).
- 6.2.69. EIA Report Chapter 8 considered statutory designated nature conservation sites with ornithological interest features, namely:-
- Kintyre Goose Roosts SPA/Ramsar/SSSI – 540m north-east from the site at its closest point;
 - Sound of Gigha SPA – 600m west; and
 - Arran Moors SPA – 19km south-east.

- 6.2.70. Table 8.5 of EIA Report Chapter 8 provides further detail on the qualifying interests of these SPAs with a detailed appraisal set out in Technical Appendix 8.7 'Habitats Regulations Appraisal Report', which considered the potential for LSEs in the context of the Habitat Regulations. That assessment found that only the qualifying interest of the Kintyre Goose Roosts SPA (Greenland White-fronted Goose) has the potential for LSEs. There were no LSEs for the qualifying interests of the other two SPAs.
- 6.2.71. Potential impacts upon Greenland White-fronted Goose were considered for the following:-
- Disturbance of feeding and roosting birds during construction;
 - Habitat loss from construction;
 - Disturbance of roosting birds during operation;
 - Collision risk during operation; and
 - Disruption to flight lines during operation (barrier effect).
- 6.2.72. The assessment concluded that with mitigation in place, the Proposed Development would have no adverse effect on the integrity of the Kintyre Goose Roosts SPA. Based upon these findings, there is no conflict with Policy 4 as it relates to international or national heritage designations.
- 6.2.73. Part (c) also relates to national level landscape designations, specifically National Parks and NSAs. The policy states that proposals will only be supported where the objectives of the designation and overall integrity of the area will not be compromised, or, any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
- 6.2.74. The site is not located within a National Park or NSA, but there are national level designations with the LVIA study area, as shown on EIA Report Figure 5.10. The North Arran NSA is located 12km east of the Proposed Development and covers much of the mountainous northern part of the Isle of Arran. A preliminary assessment of all landscape designations (including the NSA) is set out in Technical Appendix 5.3 while a detailed assessment of the impacts of the Proposed Development upon the SLQs of the North Arran NSA is set out in Technical Appendix 5.8.
- 6.2.75. The SLQs of the North Arran NSA are defined as follows:-
- A mountain presence that dominates the Firth of Clyde;
 - The contrast between the wild highland interior and the populated coastal strip;
 - The historical landscape in miniature;
 - A dramatic, compact mountain area;
 - A distinctive coastline with a rich variety of forms;
 - One of the most important geological areas in Britain;
 - An exceptional area for outdoor recreation; and
 - The experience of highland and island wildlife at close hand.
- 6.2.76. Following an initial appraisal, the scope of the assessment in Technical Appendix 5.8. considered potential impacts upon the following two SLQs:-
- A distinctive coastline with a rich variety of forms; and
 - An exceptional area for outdoor recreation

- 6.2.77. The assessment found that these two SLQs would experience no greater than a moderate level of effect during daylight hours and a minor moderate effect during daylight hours, neither of which would be considered significant. Importantly, the effects that would occur would not be of such a scale to undermine the overall integrity of the NSA.
- 6.2.78. These findings pass the test set out in Part (c)(i) of Policy 4 which is to ensure that *'the objectives of designation and integrity of the areas will not be compromised'*. As such, there is no need to engage with part (ii) of the Policy, which relates to whether *'any significant adverse effect on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of at least national importance'*.
- 6.2.79. Part (d) deals with local landscape areas. This part of Policy 4 sets two considerations for decision makers when assessing proposals that affect local landscape designations. The policy states that such proposals will only be supported where:-
- *'Development will not have a significant adverse effect on the integrity of the area or the qualities for which it has been identified; or (underlining added)*
 - *'Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance' (underlining added).*
- 6.2.80. As previously noted, no part of the Proposed Development is located within the West Kintyre LLA, with the exception of a small part near the junction with the A83. Here a turning area is proposed which would be located opposite the entrance to the site access track to allow large vehicles sufficient space to turn on the site access track. No turbines would be located within the LLA,
- 6.2.81. The assessment of the West Kintyre LLA in EIA Report Chapter 5 found that there would be very localised significant effects in the location of the proposed turning area that overlaps the eastern edge of the LLA and indirect significant effects on views that would extend to approximately 5km to the north and west. Overall, the addition of the Proposed Development would not undermine the understanding or appreciation of the underlying landscape of the LLA or its special qualities.
- 6.2.82. On the basis of these findings, it is considered that the Proposed Development can be positively considered against Policy 4(d). If these conclusions are not accepted, the wording of Policy 4(d)(ii) allows decision makers to still approve developments which may have a significant effect on the integrity of a local landscape designation where these effects are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 6.2.83. In this instance, it is considered that the benefits of the Proposed Development are considered to outweigh any adverse effects upon the West Kintyre Coast LLA and that these are demonstrably of at least local importance. The fact that the Proposed Development falls into the category of National Development 3 in NPF4 supports this position. The Reporters considered this issue in the Glendye Wind Farm case in relation to impacts upon an Aberdeenshire local landscape designation. In assessing that proposal against this part of Policy 4(b), the Reporters noted in paragraph 10.7 of their report that:-

'We are of the view that this national development status logically offers benefits of more than local

importance'.

- 6.2.84. This supports the assessment above against NPF4 Policy 4(d)(ii).
- 6.2.85. Part (f) relates to protected species and states that the level of protection required by legislation must be factored into the planning and design of development and potential impacts must be fully considered prior to the determination of any application. As demonstrated in EIA Report Chapters 7 and 8 subject to mitigation, no significant adverse effects on any protected species are identified.

Policy 5: Soils

- 6.2.86. The Policy Intent is to '*protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development*'. One of the Policy Outcomes seeks that '*valued soils are protected and restored*'.
- 6.2.87. Part (a) notes that proposals should be designed in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils. Part (c)(ii) notes that proposals for the generation of energy from renewable sources that optimise the contribution of the area to GHG emissions reduction targets are one of the identified land uses potentially permitted on areas of peatland, carbon-rich soils and priority peatland.
- 6.2.88. Part (d) sets out a requirement for a detailed site specific assessment to help understand the presence of peat and carbon-rich soils on site and to enable the likely effects of a development proposal on these resources to be considered. It continues and states that this should inform careful project design and that impacts should first be avoided and then minimised through best practice. The requirement for a peat management plan is also noted.
- 6.2.89. To inform the site design process the Applicant undertook extensive peat probing across the site, the results of which are set out in Technical Appendix 9.2 'Peat Management Plan' and associated Figures 9.2.3 - 9.2.5. In addition, EIA Report Figure 9.4 'Peatland Classification', shows the mapped presence of Class 1 and 2 nationally important priority peatlands within the site boundary. This Figure shows that the eastern extent and parts of the southern boundary of the site is underlain by Class 1 and Class 2 peatlands which are considered nationally important carbon-rich soils, areas of deep peat and priority peatland habitats. The majority of the Proposed Development is underlain by Class 5 peatlands which is not considered priority peatland and no peatland habitats are recorded
- 6.2.90. As EIA Report Chapter 9 confirms, the potential presence of peat within the site formed a key consideration in the design of the Proposed Development. Informed by the extensive programme of peat probing undertaken across the site, typically the design has avoided areas of deeper peat (>1 m) and where possible limited development to areas of peat less than 1m or where peat is absent. Table B 'Peat Balance Assessment' in Technical Appendix 9.2 calculates that the total volume of peat predicted to be excavated is 55,530m³ while 60,395m³ is expected to be reused within the site, so no excess peat requires to be disposed off-site.
- 6.2.91. As a result of mitigation by design and following the adoption of further good practice measures, to be developed in a CEMP post consent, Chapter 9 concludes that no significant residual effects on soils and peat will arise. In addition, EIA Report Chapter 7 concludes that the BEMP will deliver benefits to peatland habitats. The outline proposals will ensure that habitat losses are offset through an increase in peatland

habitat quality and that there will be an overall net gain.

- 6.2.92. With regard to Policy 5 (d)(iii), the results of the carbon calculator (see Technical Appendix 13.3) indicate that the Proposed Development is expected to pay back its debt from manufacture, construction, impacts on habitat and decommissioning within 1.5 years if it replaced fossil fuel-mix electricity generation. This figure increases to 3.0 years when compared to a grid-mix scenario
- 6.2.93. As noted in Technical Appendix 13.3, the Proposed Development would be expected to result in a saving of approximately 96,568 tonnes of carbon dioxide (tCO₂) per annum when compared to a fossil fuel mix. Over the course of the 50-year operational life this equates to approximately 4.7 million tonnes, when replacing fossil fuel-mix electricity generation and once CO₂ emissions associated with construction of the Proposed Development are factored. These are calculated to be 142,801 tCO₂ (expected scenario).
- 6.2.94. Overall, the Applicant's approach to site design, combined with the implementation of mitigation measures during the construction and decommissioning phases, means that the Proposed Development can be positively considered against the Outcome of Policy 5.

Policy 6: Forestry, Woodland and Trees

- 6.2.95. The Intent of Policy 6 is to '*protect and expand forests, woodland and trees*'. One of the Policy Outcomes is '*Existing woodland and trees are protected, and cover is expanded*'.
- 6.2.96. The site lies partially within an existing commercial forestry plantation. The Forestry Study area is 633.7ha in area and some forestry areas would be felled to allow the construction and operation of the Proposed Development Proposed Development, for example
- 6.2.97. In total 41.3ha of woodland requires to be felled, further details about which are set out in Technical Appendix 2.3 'Forestry Report', Table 2.3.7. This tree felling would have been undertaken in any case as part of the normal crop rotation of a commercial forest, but would be brought forward and felled sooner than originally set out in the Baseline Felling Plan. The changes to the woodland brought about by the Proposed Development can be summarised as follows:-
- there would be a net reduction in the area of Sitka spruce of 29.4ha;
 - there would be an increase in the area of mixed broadleaved woodland of 3.8ha;
 - there would be a decrease in the area other conifer woodland of 1.7ha;
 - the area of permanent open ground as a result of the Proposed Development would total 34 ha; and
 - the net reduction in stocked woodland area within the Forestry Study Area (FSA) would be 27.3ha equivalent to 4.3% of the FSA.
- 6.2.98. In order to comply with the Scottish Government's Control of Woodland Removal Policy, compensation planting would be required to mitigate for the loss of woodland area. The Applicant is committed to providing appropriate compensatory planting. The extent, location and composition of such planting would be agreed with Scottish Forestry. Consistent with other consented wind farm projects, the requirement to provide further details about compensatory planting could be controlled through a planning condition. Subject to the imposition of, and adherence to such as condition, the Proposed Development complies with Policy 6.

Policy 7: Historic Assets and Places

- 6.2.99. This policy sets out the framework for assessing the impact of development proposals on a wide range of cultural heritage receptors. The Intent is *'to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places'*. Policy Outcomes include that *'the historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change'*.
- 6.2.100. As required by part (a), an historic environment assessment has been undertaken and the conclusions are presented in EIA Report Chapter 6: 'Cultural Heritage' and accompanying Technical Appendices.
- 6.2.101. As discussed in the earlier commentary on NPF4 Policy 11, the assessment presented in EIA Report Chapter 6 considers there is a low potential for direct effects on buried archaeological remains during construction works, but mitigation including fencing off known assets near to construction works and the undertaking of archaeological monitoring during construction would ensure no significant effects would arise (See EIA Report Table 6.5).
- 6.2.102. The assessment of operational phase effects (setting) found no significant effects upon any Listed Building, Scheduled Monument or GDL, see Technical Appendix 6.2. The cultural heritage assessment did, however, find significant (Moderate significance) effects on the settings of three groups of assets:
- A group of NSR assets at Braids, including hut-circle and cup and ring marked rocks;
 - A group of NSR assets - cup-marked rocks - at Lagloskine; and
 - A group of shielings (including an NSR asset - cup-marked rock) at Loch Dirigidale.
- 6.2.103. For each asset, the assessment concludes that while the predicted effects would be significant in EIA terms, the change in their setting would not reduce or adversely affect the cultural significance of the assets.
- 6.2.104. Part (o) of Policy 7 is relevant to considering effects upon the setting of these three groups of assets, which are non-designated assets. This part of Policy 7 states that such assets *'and their setting should be protected and preserved in situ wherever feasible'*. This is different from the test set in part (h) which relates to Scheduled Monuments only.
- 6.2.105. The assessment in EIA Report Chapter 6 considers that while the Proposed Development would have a moderate (and therefore significant) effect upon the setting of these three groups of NSRs, it would not adversely affect the cultural significance of the assets. The key contributors to the cup-marked rocks and shielings significance would be retained, and it would still be possible for any visitor to the assets to understand and appreciate these qualities.
- 6.2.106. Given these conclusions, there are no conflicts with NPF4 Policy 7 in respect of any cultural heritage receptors.

Policy 23: Health and Safety

- 6.2.107. The Intent of Policy 23 is *'to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing'*. There are three Policy Outcomes including that *'safe places protect human health and the environment'*.

6.2.108. Part (d) confirms that *'development proposals that are likely to have significant adverse effects on air quality will not be supported'*, while part (e) states that *'development proposals that are likely to raise unacceptable noise issues will not be supported'*.

6.2.109. Commentary in relation to noise is set out in Ultimately, therefore, none compliance with one element of Policy 11(e) or other policies for that matter does not mean a development is unacceptable. This would need to be considered as one of a range of issues that applies to the planning balance exercise. NPF4 needs to be considered as a whole.

- 6.2.110. Table 2 above. In summary, subject to mitigation, no significant effects on account of noise during construction, operation and decommissioning are predicted.
- 6.2.111. More generally, the Applicant is committed to adopting good practice measures during construction and will implement these through a CEMP, thereby controlling and reducing any effects that these activities may have on health. The CEMP will also set out a range of measures that the Applicant's contractor will adopt on site during construction to avoid wider environmental impacts, for example through waste storage and collection, water management, pollution prevention and incidence response measures. An OCEMP is submitted as Technical Appendix 2.1 and provides an overview of the types of issues that will be covered in a detailed CEMP.
- 6.2.112. Overall, no conflicts arise with regards to Policy 23.

Policy 25: Community Wealth Building

- 6.2.113. The Intent of Policy 25 seeks *'To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels'*. Policy Outcomes include *'support local employment and supply chains'* and *'support community ownership and management of buildings and land'*.
- 6.2.114. Part (a) of the Policy states that proposals that contribute to local or regional community wealth building strategies will be supported and part (b) states that development proposals linked to community ownership of land and buildings will be supported.
- 6.2.115. As already discussed in relation to Policy 11 (c), the Proposed Development will give rise to local economic benefits during the construction and operational periods. The Applicant is committed to contributing to a community benefit fund and should consent be granted, the Applicant would work with local communities to ensure the most appropriate structures are set up to ensure the fund is used in a manner that meets local community expectations.
- 6.2.116. The Applicant is also committed to prioritising local contractors and supporting local skills, as well exploring shared ownership, and will implement its electricity discount scheme (LEDS).
- 6.2.117. In light of all these factors, the Socio-Economic Impact Assessment concludes that the Proposed Development will support local economic development and enable the community to support projects and address the priorities of the area. As such, it is considered the Proposed Development can draw support from Policy 25 and would contribute to the Policy Outcomes.

NPF4 Part 3 - Annex A 'Outcomes'

- 6.2.118. Part 3, Annex A confirms that NPF4 is required by law to contribute to six Outcomes. These Outcomes are set out in Section 3 of the Town and Country Planning (Scotland) Act 1997 (as amended), having been amended by Section 2 of the Planning (Scotland) Act 2019. The six Outcomes are:-
- (a) meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people,
 - (b) improving the health and wellbeing of people living in Scotland,

- (c) increasing the population of rural areas of Scotland,
- (d) improving equality and eliminating discrimination,
- (e) meeting any targets relating to the reduction of emissions of GHGs, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act, and
- (f) securing positive effects for biodiversity.

6.2.119. The Proposed Development can contribute positively to Outcomes (e) and (f) through the generation of a significant amount of renewable electricity while delivering biodiversity improvements, with details set out in the OBEMP. This helps deliver wider targets for lower greenhouse gas emissions, more renewable energy generation and more secure energy supplies. These are material factors in support of the case for granting consent.

NPF4 Part 3 - Annex B 'National Developments Statements of Need'

- 6.2.120. This part of NPF4 identifies eighteen national developments which are described as '*significant developments of national importance that will help to deliver our spatial strategy*'.
- 6.2.121. Of relevance to the Proposed Development is National Development 3 'Strategic Renewable Electricity Generation and Transmission Infrastructure'. NPF4 confirms that this class of national development '*supports renewable electricity generation, repowering, and expansion of the electricity grid*'. It incorporates three types of development, including '*on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity*'. The Proposed Development therefore falls within National Development 3.
- 6.2.122. Within the commentary under National Development 3, NPF4 states that '*a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets*'. Under the commentary on 'Need', NPF4 states that '*additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy...*' (emphasis added).
- 6.2.123. NPF4 also confirms that proposals within this national development category will '*improve security of supply*' (page 7). While not every national development will be granted permission, the fact that the Proposed Development falls within this category is significant in the evolution of national planning policy. This class of national development did not feature in the previous NPF3 and was not a factor when the previous Killean Wind Farm was refused consent. Its inclusion in NPF4 is a clear sign that the Scottish Government clearly sees this type and scale of development as being 'of national importance' and necessary to help deliver the national spatial strategy (NPF4, page 97).
- 6.2.124. The national development status of the Proposed Development must be accorded considerable weight in consideration of the application, as has been applied in some recent cases where Reporters and Scottish Ministers have recognised the importance of National Development 3 to achievement of the legally binding net -zero targets. These cases include the aforementioned Glendye Wind Farm and also Shepherds Rig Wind Farm. In the Reporter's Supplementary Report into this latter project, they stated in paragraph 3.13 that:-

'delivery of renewable energy, a national development, would clearly be a significant benefit, and one which

gains significant weight from NPF4 policy 1 in relation to the climate crisis'.

- 6.2.125. The National Development status of the Proposed Development should be afforded a similar amount of weight in the final planning balance in this case.

NPF4 Part 3 – Annex C ‘Spatial Planning Priorities’

- 6.2.126. The National Spatial Strategy is supported by commentary on five Regional Spatial Strategies, each of which will contribute in their own different ways to achievement of the National Spatial Strategy.

- 6.2.127. The Argyll and Bute area falls within the area defined as ‘North and West Coast and Islands’. On page 22 NPF4 notes that:-

‘This part of Scotland will be at the forefront of our efforts to reach net zero emissions by 2045.....As one of the most renewable energy rich localities in Europe with significant natural resources, there is a real opportunity for this area to support our shared national outcomes’.

- 6.2.128. NPF4 also recognises that *‘the area has an exceptional environment with coastal and island landscape that are an important part of our national identity’.*

- 6.2.129. One of the ‘Priorities’ for this area is to *‘maximise the benefits of renewable energy whilst enhancing blue and green infrastructure’.* The Proposed Development can contribute towards achievement of this Priority, while making a positive contribution to wider national efforts to combat the climate emergency and nature crisis.

6.3. Argyll and Bute Local Development Plan 2 (LDP2) (2024)

- 6.3.1. LDP2 Policy 30 ‘The Sustainable Growth of Renewables’ ‘is the ‘lead’ policy for the assessment of onshore wind farm proposals. It is acknowledged that the Proposed Development requires to be assessed ‘in the round’ against all policies in the LDP, however LDP Policy 30 is the key topic specific policy against which to assess the Proposed Development, noting also its criteria are wide ranging. Notwithstanding, other LDP policies are also briefly referenced.

Policy 30 ‘The Sustainable Growth of Renewables’

- 6.3.2. The pre-amble to Policy 30 states:-

‘Policy 30 should be read in the context of the development plan as a whole including the objectives and principles of NPF4 and its topic specific policies including Policy 11’.

- 6.3.3. A detailed assessment has already been carried out against NPF4 and inevitably there is some overlap between the aims and objectives of some LDP2 policies and the previously discussed NPF4 policies. To avoid unnecessary duplication, where LDP2 policies raise matters already discussed in relation to NPF4, cross reference will be made to the earlier national policy appraisal.

- 6.3.4. Policy 30 states that the Council will support renewable energy developments where it can be demonstrated that there would be no ‘unacceptable’ environmental impacts, including individually and cumulatively.



There is a requirement that proposals are compatible with adjacent land uses. On that latter point, the site is located adjacent to the consented Clachaig Glen Wind Farm. While a proposal for a new scheme on that site remains to be determined, the principle of a wind farm on that site has already been established and there is no incompatibility between the Proposed Development and adjacent land uses. Also of relevant, it is reiterated that the nearest inhabited residential property is approximately 1.7km from the nearest turbine.

6.3.5. Policy 30 lists 17 criteria against which all wind turbine applications require to be assessed. These criteria do not raise any new matters not previously discussed in relation to NPF4 policies, especially Policy 11, but for completeness these criteria are listed below in Table 4 with a corresponding comment to where the earlier NPF4 appraisal deals with the same topic

Table 4 – Policy 30 Assessment Criteria

Policy Criteria	Where assessed previously	Significant Effect?	EIA
Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(i).	No significant effects.	
Landscape and visual impacts	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(ii); and NPF4 Policy 4.	Yes some significant effects but these are localised.	
Effects on the natural heritage, including birds	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(ix); and NPF4 Policy 3.	No significant effects.	
Impacts on carbon rich soils, using the carbon calculator	NPF4 Policy 5 (d)(iii)	No significant effects.	
Public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(iii).	Some significant visual effects upon stretches of some routes as noted in the LVIA.	
Impacts on the historic environment, including scheduled monuments, listed buildings and their settings.	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(vii); and NPF4 Policy 7	Yes significant effects upon the setting of three groups of cultural heritage assets. These assets are not Listed Buildings, GDLs or Scheduled Monuments.	
Impacts on tourism and recreation	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(iii) relating to visual impacts on paths etc. There was no earlier specific consideration of tourism impacts in relation to NPF4. Tourism and	No significant effects but the LVIA in EIA Report Chapter 5 did identify some significant visual effects upon	

Policy Criteria	Where assessed previously	Significant Effect?	EIA
	<p>recreation were assessed in Section 6 of the Socio-Economic Impact Assessment and this considered a range of issues including impacts on local visitor attractions, recreational trails, tourism accommodation etc. The assessment also considered research and evidence relating to wind farms and tourism, including a review of tourism employment in Argyll and Bute over the last decade.</p> <p>That assessment found no relationship between tourism employment and wind farm development, neither at the level of the Argyll local authority nor in the locality of wind farm sites. Overall, the impacts on tourism assets within 25km of the Proposed Development have been found to have negligible effects and are therefore not significant in EIA terms.</p>	stretches of some walking routes.	
Impacts on aviation and defence interests and seismological recording	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(iv).	No significant effects.	
Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(v).	No significant effects.	
Impacts on road traffic	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(vi).	No significant effects.	
Impacts on adjacent trunk roads	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(vi).	No significant effects.	
Effects on hydrology, the water environment and flood risk	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(viii).	No significant effects.	
Cumulative impacts arising from all of the considerations above	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(xiii).	Some significant cumulative landscape, visual and cultural heritage setting effects	
Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities	NPF4 Policy 11(c) and Policy 25	Some positive effects	
The scale of contribution to renewable energy generation target	NPF4 Policy 1 and 11	Positive contribution to attainment of renewable energy and GHG reduction targets	
Effect on greenhouse gas emissions	NPF4 Policy 5	CO ₂ emission savings of	



Policy Criteria	Where assessed previously	Significant Effect?	EIA
		approximately 4.7 million tonnes	
Impacts on trees, woods and forests	NPF4 Policy 11 (e) – See Table 2, assessment against 11(e)(x); and Policy 6.	No significant effects.	

6.3.6. As this assessment confirms, for the most part the Proposed Development will not give rise to any significant environmental effects in EIA terms. Some residual landscape and visual effects will arise but these are considered to be ‘localised’. Where significant effects upon landscape designations are noted (for the North Arran NSA and the Kintyre Coast LLA), these are localised and will not affect the SLQs or overall integrity of either area. Some residual effects upon the setting of three groups of cultural heritage assets are acknowledged but these would not reduce or adversely affect the cultural significance of the assets in question.

6.3.7. Policy 30 notes that the Council will have regard to opportunities for energy storage, local energy networks and long term environmental management of the site. The Proposed Development does not include energy storage but it does include as an integral element environmental enhancement works. Initial details of these works are set out in the OBEMP and if consent is granted this would be developed further with stakeholders, to include long term management of the works.

6.3.8. Overall, the significant residual effects identified in the EIA Report are not considered to be unusual for a commercial scale wind farm. The key test set by Policy 30 is to consider whether such effects are considered to be ‘unacceptable’ in the planning balance, when all other factors are considered.

6.3.9. The sole reason that the previous Killean Wind Farm proposal was refused consent was because the Reporters and Scottish Ministers considered the visual effects to be ‘unacceptable’. They did not find any other effects to be unacceptable. In this case, the identified residual effects are considered to be acceptable for the following reasons;

- In the period since permission was refused in 2019 there has been a significant change in national planning policy with the introduction of NPF4. NPF4 now requires as a matter of national planning policy that decision makers give ‘*significant weight*’ to the renewable energy benefits of a scheme in the planning balance, whereas the Reporters and Scottish Ministers were under no such obligation when considering the previous scheme. This adds more weight in the case for the Proposed Development that existed previously;
- Also within NPF4, the Proposed Development benefits from National Development status. This is a further change from the predecessor NPF3 which did not list 50MW and above renewable energy developments as National Developments. This type and scale of development is considered by the Scottish Government to be ‘*of national importance*’ and necessary to help deliver the national spatial strategy;
- The OWPS describes onshore wind as ‘*mission critical*’ for meeting climate targets and also recognises that to ensure climate change targets are met, taller and more efficient turbines will be required and that ‘*this will change the landscape*’;
- A range of other benefits will accrue from the Proposed Development that were not proposed

previously including:

- a community benefit payment of £5,000/MW/annum;
 - the introduction of a local electricity discount scheme;
 - a commitment to prioritise local companies in the provision of contracts during the development and construction, and operational phases; and
 - and a commitment to continue to explore opportunities for and interest in community ownership.
- The Scottish Government recognises in its September 2023 Programme for Government that '*Responding to the climate crisis is a fundamental priority for this government*' and central to achievement of that is '*scaling up renewables*'. This represents a clear statement of intent that provides further in principle support to the Proposed Development, which did not exist previously.

Other LDP Policies

- 6.3.10. This section considers other relevant LDP2 policies. In many cases, the topic areas are already largely contained within the 'lead' wind energy policy and/or the earlier NPF4 appraisal, and so only brief commentary is provided. Policies are grouped together under topic headings.

Siting and Design

- *Policy 05 'Design and Placemaking'*
- *Policy 08 'Sustainable Siting'*
- *Policy 10 'Design: All Development'*

- 6.3.11. These are general planning policies that relate to all forms of development and are not specific to renewable energy generally or wind farms specifically. The policies seek to ensure, *inter alia*, that development proposals respect site topography; that they should be compatible with surrounding land uses; that they should integrate into the landscape and minimise detrimental effects on the environment. Policy 08 notes that:-

'Particularly careful attention should be given to hilltop, skyline or ridge locations, where development will only be acceptable if such a location cannot be avoided and any significant adverse landscape and visual effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal, and have been sufficiently mitigated through an environmental impact assessment or landscape and visual impact assessment'.

- 6.3.12. The design of the Proposed Development has been subject to a detailed and iterative design process that is set out in the Design Statement submitted with the application. That Statement explains how the layout of the site was influenced by a range of factors including planning policy and guidance, site topography and designations, the decision on the previous wind farm proposal, professional judgement and taking account of advances in wind turbine technology. Comparative wirelines were produced for each of the design iterations with the objectives for the Proposed Development being:-

- Seek to minimise the visual impact of the development when seen in the context of the Kintyre Peninsula as a whole;
- Seek to minimise visual effects to residents and visitors to Gigha;

- Seek to minimise visual effects to those walking in elevated areas on the west of North Arran;
- Seek to minimise visual effects from the Islay ferries and the Sound of Gigha;
- Seek to minimise visual effects from the Knapdale Peninsula; and
- Seek to minimise visual effects from the Kintyre Way.

6.3.13. Each of these objectives are discussed in the Design Statement, which states that it is generally accepted that it is a challenge for the design of a wind farm to achieve a layout that reduces, or minimises, the effects, or its appearance, for all landscape or visual receptors in all directions. The final nine turbine layout has been designed to respond to the character and scale of the landscape, in addition to other environmental and technical constraints. The associated infrastructure has also been sited sympathetically so as to limit its influence on the surrounding landscape.

6.3.14. It is recognised that some significant (in EIA terms) landscape and visual effects will arise from the Proposed Development. The acceptability of these is a matter of planning judgement that brings in other factors too, and this is discussed in Section 7. In terms of these LDP2 policies, however, it is considered that the Applicant's approach to site design, with clearly set out design objectives which seek to minimise visual effects, is consistent with the key aims of these policies.

Cultural Heritage

- *Policy 15 'Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment'*
- *Policy 16 'Listed Buildings'*
- *Policy 17 'Conservation Areas'*
- *Policy 19 'Scheduled Monuments'*
- *Policy 20 'Gardens and Designed Landscapes'*
- *Policy 21 'Sites of Archaeological Importance'*

6.3.15. The pre-amble to these cultural heritage policies in LDP2 states that the Council aims to support and encourage sustainable forms of development that seeks to protect, conserve and where possible enhance the historic built environment. These policies provide the general basis for the consideration of all development proposals which may have an effect on the historic built environment, whether designated or undesignated.

6.3.16. As noted in the NPF4 discussions on Policies 11(e)(vii) and 7, the assessment of the effects of the Proposed Development upon all cultural heritage assets identified potentially significant effects upon the setting of three groups of assets:

- A group of NSR assets at Braids, including hut-circle and cup and ring marked rocks;
- A group of NSR assets - cup-marked rocks - at Lagloskine; and
- A group of shielings (including an NSR asset - cup-marked rock) at Loch Dirigidale.

6.3.17. The assessment concluded that while these effects would be significant in EIA terms, the change in their setting would not reduce or adversely affect the cultural significance of the assets. The assessment did not find any significant effects upon the settings of Listed Buildings, Conservation Areas, Scheduled Monuments of GDLs. There are no conflicts with Policies 15 – 20.

6.3.18. In terms of Policy 21, there is a low potential for direct effects on buried archaeological remains during construction works within the site. Mitigation including fencing off known assets near to construction works and the undertaking of archaeological monitoring during construction would ensure no significant effects would arise. Details of such mitigation can be provided via condition prior to the commencement of development.

Flooding, Water Quality and Drainage

- *Policy 55 'Flooding'*
- *Policy 58 'Private Water Supplies and Water Conservation'*
- *Policy 59 'Water Quality and the Environment'*
- *Policy 61 'Sustainable Drainage Systems (SUDS)'*

6.3.19. The preamble to these policies in LDP2 notes that LDP2 has a critical role to play in protecting the water environment by ensuring that development does not lead to damage to either quantity or quality of water. LDP2 must also ensure that development has appropriate drainage for both surface water and sewerage to ensure that the water environment is not polluted or degraded. Flood risk must also be addressed.

6.3.20. As noted in the earlier commentary on NPF4 Policy 11, a detailed flood risk and drainage impact assessment was scoped out of the assessment in EIA Report Chapter 9. A simple screening of potential flooding sources (fluvial, coastal, groundwater, infrastructure etc.) is presented in the Chapter 9, Section 9.5 and summarised in Table 9.9. There is no conflict with Policy 55.

6.3.21. With regards to Policy 58 and private water supplies (PWS), EIA Report Chapter 9 confirms that a programme of site investigations has been undertaken to confirm the location of PWS sources. Further details are set out in Technical Appendix 9.4 and the accompanying Figure 9.4.1. This assessment states that no confirmed PWS sources are potentially at risk from the Proposed Development. The distribution pipework associated with one PWS is potentially at risk from the Proposed Development. To ensure that this is not affected by construction works the water distribution network would be clearly marked and protected in advance of construction works commencing. With mitigation in place, there are no conflicts with Policy 58.

6.3.22. In terms of Policies 59 and 61, the OCEMP (Technical Appendix 2.1) notes that a sustainable drainage system (SuDS) will be implemented to provide surface water management techniques to mitigate any adverse impact on the hydrology within the site. It also notes that water quality monitoring will be undertaken on discharge waters during the construction phase to ensure that the Proposed Development does not impact on local watercourses and rivers. A bespoke Water Quality Monitoring Plan will be prepared and implemented by a specialist consultant, detailing monitoring locations, sampling frequency and the methodology for chemical and biological analyses. Further details on these matters can be provided post condition through conditions ensuring compliance with Policies 59 and 61.

Landscape

- *Policy 70 'Development Impact on National Scenic Areas (NSAs)'*

- *Policy 71 'Development Impact on Local Landscape Areas (LLAs)*

- 6.3.23. The preamble to Policy 70 states that the aim of the policy is to *'provide landscapes of national importance located within Argyll and Bute with adequate protection against damaging development that would diminish their outstanding scenic value'*.
- 6.3.24. The Proposed Development is not located within a NSA, and the closest is the North Arran NSA located 12km to the east. An appraisal of the impacts of the Proposed Development upon the SLQs of this NSA is set out in Technical Appendix 5.8, the findings of which were discussed previously in relation to NPF4 Policy 4. The assessment in Technical Appendix 5.8 found that two NSA SLQs would experience no greater than a moderate level of effect during daylight hours and a minor moderate effect during daylight hours.
- 6.3.25. In terms of parts (a) to Policy 70 neither of these effects were considered significant in EIA terms and, importantly, effects that were identified would not be of such a scale to undermine the overall integrity of the NSA. The Proposed Development can therefore be positively considered against Policy 70.
- 6.3.26. The preamble to Policy 71 states that the aim of the policy is to provide locally important landscapes in Argyll and Bute with adequate protection against damaging development that would diminish their high scenic value.
- 6.3.27. As discussed within the commentary on NPF4 Policy 4, only a small part of the site is located within the boundary of the West Kintyre LLA. There would be some direct and localised effects associated with the proposed turning area that overlaps the eastern edge of the LLA. While there would be visibility of the Proposed Development from within other parts of the LLA, this would be localised and would extend to approximately 5km to the north and west. Overall, EIA Report Chapter 5 concludes that the Proposed Development would not undermine the understanding or appreciation of the underlying landscape of the LLA or its special qualities.
- 6.3.28. In terms of Part (a) of Policy 71, it is considered that the identified impacts on the LLA are *'clearly outweighed by social, economic or environmental benefits of community wide importance'*. Consistent with Part (b) a LVIA has been submitted which takes account of the Argyll and Bute Landscape Capacity Assessment which is also discussed in the Design Statement. In terms of Part (c) of the Policy, the Proposed Development will not *'safeguard or enhance'* the special qualities or character of the LLA but the wider benefits in terms of renewable energy generation, biodiversity enhancement and socio-economic benefits are considered to outweigh this minor policy tension.

Ecology and Ornithology

- *Policy 73 'Development Impact on Habitats, Species and Biodiversity'*
- *Policy 74 'Development Impact on sites of international importance'*
- *Policy 75 'Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves'*
- *Policy 76 'Development Impact on Local Nature Conservation Sites (LNCS)'*

- 6.3.29. Collectively these policies provide the basis for assessing the impacts of proposals upon habitats, species

and designations at the international, national and local levels. LDP2 notes that the level of protection depends on the species concerned, with European Protected Species receiving the highest level of protection.

- 6.3.30. An assessment of impacts upon these various receptors is set out in EIA Report Chapters 7 and 8 and the associated Technical Appendices. As discussed in the earlier NPF4 assessment (Policies 4 and 11), no significant adverse effects were found upon any natural heritage designation. With regards to European designations, Chapter 7 concludes that there would be no LSEs on any SAC under the Habitats Regulations. While LSEs were found for the qualifying interest of the Kintyre Goose Roosts SPA (Greenland White-fronted Goose), following a detailed assessment and with mitigation in place, the Proposed Development would have no adverse effect on the integrity of the Kintyre Goose Roosts SPA.
- 6.3.31. No significant residual effects were found upon any SSSI, National Nature Reserve or any local nature conservation site. EIA Report Chapter 7 concludes that following mitigation, the residual ecological effects will be:
- a non-significant loss of a small amount of upland moorland habitat;
 - a non-significant risk of disturbance during construction,
 - a non-significant risk of pollution, and
 - a non-significant risk of bat collision with the wind turbines.
- 6.3.32. None of these effects will have any long-term impact on the integrity of the site's ecological features or the conservation status of the species found here, and no significant residual ecological effects are predicted.
- 6.3.33. Mitigation and enhancement measures for the loss of habitats is set out in the OBEMP. The initial measures set out here would be expanded post consent and would be developed further in liaison with stakeholders, and to include monitoring of works to ensure defined objectives are achieved. The measures set out in the OBEMP go beyond mitigating the effects of the Proposed Development and will deliver a net gain in peatland habitat and will be of benefit to the breeding bird community. Taking these findings into account, the Proposed Development can be positively considered against these suite of LDP2 policies.

Trees and Woodland

- *Policy 77 'Forestry, Woodland and Trees'*
- *Policy 78 'Woodland Removal'*

- 6.3.34. The preamble to these policies notes that there is a strong presumption against deforestation but where compensatory planting is required this can be positively directed to bring direct benefits to the place making agenda and communities. Policy 77 notes that woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Policy 78 states that compensatory planting should be considered sequentially with on-site provision being the most preferable, followed by off-site within Argyll and Bute and finally elsewhere in Scotland.
- 6.3.35. The need for tree felling to construct and operate the Proposed Development is discussed in detail in relation to NPF4 Policies 6 and 11. These assessments recognise that compensatory planting will be required and it is expected that the extent, location and composition of such planting would be agreed with

Scottish Forestry, taking into account any revision to the BEMP post consent, and the felling and restocking plans prior to the commencement of construction. Plans for compensatory planting would take account of the hierarchy noted in Policy 78 and the requirement for this planting can be secured through planning condition.

Soils and Peat

- *Policy 79 'Protection of Soil and Peat Resources'*

- 6.3.36. The preamble to Policy 79 notes that the management and protection of carbon-rich soils is seen as a key element of Scotland's climate change mitigation strategy due to the potential of soil to store carbon and exchange greenhouse gases with the atmosphere. It continues and states that disruption of areas of carbon rich soil by development or cultivation activities can result in the loss of the stored carbon through the release of greenhouse gases to the atmosphere.
- 6.3.37. The policy itself states that the 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 have a significant adverse effect on soil resources and functions or peat structure will not be supported, unless it can meet certain criteria.
- 6.3.38. A policy assessment in relation to soils and peat has been undertaken in relation NPF4 Policy 5. That assessment demonstrates that the design of the Proposed Development has avoided areas of deeper peat (>1m) and where possible limited development to areas of peat less than 1m or where peat is absent. While some peat will be disturbed, no excess peat requires to be disposed off-site. The assessment in EIA Report Chapter 9 concludes that no significant residual effects on soils and peat will arise. In addition, BEMP will deliver benefits to peatland habitats. Overall, the Proposed Development is considered to be consistent with Policy 79.

7. Conclusions

- 7.1.1. As an application for S36 consent and deemed planning permission, the Development Plan does not have primacy in this case. The Development Plan is an important material consideration, but the principal issue to be considered in determining this application is for Scottish Ministers to have regard to Schedule 9 of the Electricity Act.
- 7.1.2. Schedule 9 refers to the requirement for Scottish Ministers to *'have regard to the desirability'* of preserving natural beauty, of conserving flora, fauna etc. when determining S36 applications. Scottish Ministers have no duty to ensure these environmental qualities are preserved, but to have regard to the desirability of doing so. Schedule 9 does not, therefore, set strict development management tests.
- 7.1.3. In arriving at conclusions on the Proposed Development overall, Scottish Ministers can give weight to a range of matters such as national planning policy set out in NPF4, the extent to which it aligns with the objectives of the OWPS 2022, the socio-economic benefits of the Proposed Development and the contribution that it would make towards attainment of GHG reduction and renewable energy generation targets.
- 7.1.4. The Scottish Government has legislated to achieve net-zero GHG emissions by 2045. To achieve these legally binding targets will require a significant change in the way we generate electricity. While a range of renewable energy technologies will all play an important part in achieving these targets, the OWPS describes the deployment of onshore wind as *'mission critical for meeting our climate targets'*. The need for more onshore wind is not in doubt and the documents referenced in Section 5 of this Planning Statement demonstrate the Scottish Government's strength of commitment to tackling the climate emergency and the nature crisis. Indeed, these are the two key themes that run through NPF4 in particular and also the OWPS and Draft Scottish Energy Strategy and Just transition Plan.
- 7.1.5. In response, the Proposed Development comprises both renewable energy generation and biodiversity enhancement proposals which will contribute directly to these twin objectives. A suite of socio-economic measures are also proposed, which will ensure the Proposed Development maximises socio-economic benefits during the construction and operational periods.
- 7.1.6. The Applicant has adopted an iterative and detailed approach to site design, applying the mitigation hierarchy with the objective of avoiding significant environmental effects from arising where possible. Where this has not been possible, the design process has sought to reduce these to non-significant levels through mitigation and to then consider opportunities for compensation and enhancement.
- 7.1.7. As the LVIA in Chapter 5 of the EIA Report concludes, significant landscape and visual effects are localised. There are no significant effects upon the SLQs of the North Arran NSA and identified effects upon the Kintyre Coast LLA would not undermine the understanding or appreciation of the underlying landscape of the LLA or its special qualities. Identified effects upon the LLA are considered to be outweighed by the benefits of the Proposed Development, which are demonstrably of more than local importance, courtesy of the Proposed Development's National Development status.
- 7.1.8. Some significant visual effects, including some arising as a result of visible aviation lighting, have been

identified for representative VPs as well as along stretches of recreational paths, such as the Kintyre Way, and users of the Ardmish (Gigha) – Tayinloan (Kintyre) ferry for a stretch of approximately 4.5km, crossing the Sound of Gigha.

- 7.1.9. In considering landscape and visual effects overall, the LVIA in EIA Report Chapter 5 concludes that the landscape has the capacity to accommodate the effects identified.
- 7.1.10. There are no significant effects upon any national level natural heritage designations, species or habitats that cannot be overcome by mitigation. While some of this mitigation would be delivered through good practice construction, the OBEMP sets out the framework to deliver biodiversity enhancement that goes beyond compensating for identified environmental effects. The OBEMP will deliver a net gain in peatland habitat and will also be of benefit to the breeding bird community.
- 7.1.11. Identified LSEs upon the qualifying interest of the Kintyre Goose Roosts SPA (Greenland White-fronted Goose) were considered in detail, with the assessment concluding that with mitigation in place, the Proposed Development would have no adverse effect on the integrity of the SPA.
- 7.1.12. While the EIA Report identifies some significant residual operational effects upon the setting of three groups of cultural heritage assets these are non-statutory register sites and are not Listed Buildings, GDLs or Scheduled Monuments. While these effects are deemed significant in EIA terms, the assessment concludes the Proposed Development would not reduce or adversely affect the cultural significance of the assets. As such there is no conflict with relevant national or local planning policies.
- 7.1.13. The shortest separation distance between a property and a wind turbine is approximately 1.7km. The assessments presented in the EIA Report concludes that there will be no significant residual effects on this, or any other property, on account of noise or shadow flicker. The RVAA considered in detail the potential visibility of the Proposed Development from one residential property (Kilmory), located approximately 1.9km from the nearest turbine. While the residents at this property would experience some visual effects, these are not considered to be significant and none of the effects would be of such a scale so as to become dominant or overbearing.
- 7.1.14. While it is relevant to note the previous refusal of permission in 2019 for a wind farm on this site, it is imperative that an assessment of the current application recognises the vastly different planning and energy policy context that now exists, and also changes between the two schemes. In policy terms, these changes include the introduction of legally binding GHG reduction targets and the 2045 net zero target and the introduction of NPF4 and the OWPS. The OWPS specifically acknowledges the move to taller turbines as technology advances and states that the requirement for taller and more efficient turbines '*will change the landscape*'.
- 7.1.15. While the need to apply planning judgement has always existed, and this remains the case, what has changed since 2019 is that when assessing the potential impacts of a development, national planning policy now requires that '*significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets*' (NPF4 Policy 11(e)). This is in addition to considering the extent to which a development can help combat the nature crisis (NPF4 Policy 1).
- 7.1.16. The Proposed Development is also different from that refused permission in 2019. There are six less

turbines, albeit with taller tip heights. Biodiversity enhancements now form an integral part of the Proposed Development and a significant suite of measures to maximise socio-economic benefits have been presented, including a local electricity discount scheme. These components did not form part of the scheme refused permission in 2019 and must also attract weight in the case for granting permission.

7.1.17. Turning to LDP2, the lead wind energy policy (Policy 30) confirms that proposals will be supported where identified impacts are not 'unacceptable'. Identified environmental impacts are not considered unusual for a commercial scale wind farm development. Having regard to the full range of material factors and applying 'significant weight' to the renewable energy benefits of the Proposed Development as well as recognising biodiversity enhancement proposals, it is considered that the planning balance in this case reveals identified environmental effects to be acceptable.

7.1.18. Taking account of these various matters, it is considered that the Proposed Development is the 'right development in the right place', and it is therefore respectfully requested that S36 consent and deemed planning permission is granted.