

## THE HIGHLAND COUNCIL

South Planning Applications Committee  
1 March 2016

Agenda Item	6.5
Report No	PLS 015/16

**15/04221/S36 - Upper Sonach Wind Park Limited**  
**Upper Sonachan Forest, Portsonachan, Ardbrecknish, Inveraray, Argyll and Bute**

**Report by Head of Planning and Building Standards**

### SUMMARY

**Description :** Section 36 application for proposed Upper Sonachan Wind Park

**Recommendation :** Raise No Objection

**Ward :** N/A

**Development category :** Major

**Reason referred to Committee :** Major development.

### 1. Proposed Development

1.1 The Highland Council has been consulted by the Scottish Government's Energy Consents and Deployment Unit on an application made under Section 36 of the Electricity Act 1989 (as amended) for the construction and operation of a wind farm and associated infrastructure - Upper Sonachan Wind Farm. The Highland Council were consulted as a neighbouring planning authority. The purpose of this report is to provide a response which considers the impact the development is likely to have on The Highland Council area.

1.2 The description of development provided within the Environmental Statement states that the proposal will include:

- up to nineteen (19) wind turbines, each with a maximum overall height to vertical blade tip of 136.5m;
- access tracks and associated watercourse crossings and passing places;
- crane pad areas, turbine foundations;
- underground cabling, grid connection;
- electricity substation, and control building;
- meteorological mast;
- two (2) temporary construction compounds;
- temporary batching plant;
- temporary blade laydown and auxiliary crane pads;
- amended vehicular access off the A819; and

- two (2) borrow pit search areas.

1.3 The expected generating capacity of the proposed development is 64.6MW.

1.4 The applicant has stated that the preferred route for the delivery of transport windfarm components involves the turbine components being landed at Dumbarton, and transported to site via the A82 via Tarbet and Crainlarich before utilising the A85 and the A819 to the proposed site access. Access to the development is through an existing forestry access. Alternative access routes use the trunk road network within The Highland Council area. These include:

- Route E - This would land turbine components near Perth and then travel up the A9 to Dalwhinnie, where it would then connect to the A86 via the A889 to Spean Bridge. From there the components would travel south via the A82 to the junction with the A85 at Tyndrum where the route would then connect onto the A819 to the site access;
- Route F - This would land turbine components at Kyle of Lochalsh Harbour and then travel via the A87 then A82 south to the A85 at Tyndrum where the route would then connect onto the A819 to the site access;
- Route G - This would land turbine components at Corpach Harbour and then travel via the A82 south to the A85 at Tyndrum where the route would then connect onto the A819 to the site access; and
- Route H - This would land turbine components near Perth and then travel up the A9 to Kingussie, where it would then connect to the A86 to Spean Bridge. From there the components would travel south via the A82 to the junction with the A85 at Tyndrum where the route would then connect onto the A819 to the site access;

1.5 A final grid connection route is not known at this time, and will be subject to a separate application under Section 37 of the Electricity Act 1989 (As Amended).

1.6 The applicant anticipates that the wind farm construction period will be 24 months. This period of time will include commencement on site through to site commissioning and testing. The applicant has stated they will utilise a Construction Environment Management Document throughout the construction period. This would be approved by Argyll and Bute Council, in consultation with relevant statutory bodies before the start of development or works. To address particular site constraints which may become apparent during construction the applicant is seeking a micro-siting allowance of 50m.

1.7 Notwithstanding that SPP advises that wind farm sites should be suitable in perpetuity, the wind farm has an expected operational life of 25 years. Following this the applicant has advised that a decision will be made as to whether re-power the site. If the decision is made to decommission the wind farm, the applicant advises that all turbine components, substation and associated buildings will be removed. Upper sections of the foundations will be removed and backfilled with suitable material and restored. Cables would be cut away below ground level and sealed or removed. Some of the access tracks may be left in place.

1.8 In support of the application the following studies / assessments have been

submitted:

- Environmental Statement addressing: Planning Policy; Site Selection and Design Evolution; Project and Site Description; Landscape and Visual Assessment; Ecology; Ornithology; Hydrology, hydrogeology and Geology; Noise and Vibration; Access and Transportation; Cultural Heritage and Archaeology; Socio-economics, Recreation and Land Use; Shadowflicker and Other Considerations; Climate Change; and Woodland Management and Tree Felling;
- Design and Access Statement; and
- Planning Statement.

## **2.0 Site Description**

- 2.1 The development site is located within the Argyll and Bute Council area, approximately 22km south from The Highland Council Boundary. The nearest settlements to the development are Inverary (approximately 10km to the south of the site) and Dalmally (approximately 11km north east of the site).
- 2.2 The wind farm site extends to approximately 990ha with the built development occupying a much smaller area, approximately 12.8ha. The development sits predominantly within a commercial forestry plantation. The turbines which form the development are set on an area of ground which rises from north to south. The ground on which the turbines sit varies between approximately 230m and 400m in height above ordnance datum (AOD).
- 2.3 The site is not within any areas designated as important for natural heritage, ornithology or cultural heritage but there are a number of sites within a 15km radius study area of the site. It is unlikely that sites designated within The Highland Council area will be affected by the development.
- 2.4 The development does not sit within any designated landscapes, however a number of these are in proximity to the site. It is unlikely that sites designated within The Highland Council area will be affected by the development.

## **3.0 Public Participation**

- 3.1 The application has been advertised in The Oban Times, Edinburgh Gazette and The Herald on two occasions. The representation deadline was 21 December 2015. While representations are directed to the Energy Consents Unit many responses are either sent only to the relevant Planning Authority or are copied to the relevant Planning Authority.
- 3.2 The Scottish Government's Energy Consents and Deployment Unit have recorded 250 objections, 0 representations and 24 letters of support.
- 3.3 The Highland Council has received 0 objections, 0 letters of support and 0 representations.

3.4 All letters of representation can be viewed via the Energy Consents and Deployment Units portal [www.energyconsents.scot](http://www.energyconsents.scot).

#### **4.0 Consultations**

4.1 **Argyll District Salmon Fisheries Board** do not object to the application. They request that further information is submitted in relation to fisheries interests.

4.2 **British Telecom** does not object to the application.

4.3 **CH2M Hill (Peat Hazard)** do not object to the application. Conditions are sought in relation to peat slide risk and peat management.

4.4 **Civil Aviation Authority** do not object to the application. The turbines fall below the height for the CAA to request lighting of turbines, however if other aviation consultees request this then CAA will support the request.

4.5 **Crown Estate** do not object to the application.

4.6 **Highlands and Islands Airports Limited** do not object to the application.

4.7 **Historic Environment Scotland** do not object to the application.

4.8 **Joint Radio Company** do not object to the application.

4.9 **Ministry of Defence** do not object to the application. Conditions are sought to secure aviation lighting.

4.10 **National Air Traffic Services** does not object to the application.

4.11 **Scottish Natural Heritage (SNH)** object to the application. SNH consider that the development will have a significant adverse impact on the landscape character of north Loch Awe and the regional character of Mid Argyll and Lorn. SNH have also objected due to insufficient information on the impacts of Golden Eagles in the Glen Etive.

4.12 **Scottish Water** do not object to the application.

4.13 **Forestry Commission Scotland (FCS)** object to the application. FCS consider that the application will have a significant impact on woodland and the scale of felling is not compatible with the UK Forestry Standard. A condition is sought to secure compensatory planting.

4.14 **Visit Scotland** do not object to the application.

4.15 **Loch Lomond and the Trossachs National Park** do not object to the application.

4.16 **Marine Scotland Science** do not object to the application. Conditions are sought to safeguard water quality.

4.17 **Mountaineering Council for Scotland** object to the application on the basis of the impact on the mountaineering resource of Ben Cruachan.

- 4.18 **Perth and Kinross Council** do not object to the application.
- 4.19 **Royal Society for the Protection of Birds (RSPB)** require further information to assess the impact on ornithology.
- 4.20 **Scottish Environment Protection Agency (SEPA)** object to the application due to a lack of information on Ground Water Dependent Terrestrial Ecosystems.
- 4.21 **Transport Scotland** do not object to the application.

## **5.0 Material Policy Considerations**

- 5.1 The development plan applicable to this application application is the Argyll and Bute Local Development Plan (adopted March 2015). The proposed development will be assessed against the Argyll and Bute Local Development Plan by Argyll and Bute Council as the relevant Planning Authority.

### **Scottish Government Planning Policy and Guidance (June 2014)**

- 5.2 Scottish Planning Policy (SPP) 2014 advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.
- 5.3 There is strong support for renewable energy development in national policy. The Scottish Government has a target of 50% of Scotland's electricity demand generated from renewable resources by 2015 and 100% of demand by 2020. These targets are not a cap. As the technology is well developed it is expected that the majority of this energy will come from on-shore wind farms.
- 5.4 Notwithstanding the overarching context of support, SPP recognises that the need for energy and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated or effective planning conditions can be used to overcome potential objections to development.
- 5.5 Criteria outlined within SPP for the assessment of applications include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; development with the peat environment, noise and shadow flicker; and cumulative impact.

### **Other Material Planning Considerations**

- 5.6
- National Planning Framework for Scotland 3
  - PAN 56 – Planning and Noise
  - PAN 58 – Environmental Impact Assessment
  - PAN 60 – Planning for Natural Heritage
  - 2020 Routemap for Renewable Energy
  - Onshore Wind Turbines
  - Wind Farm developments on Peat Lands

## 6.0 Planning Appraisal

- 6.1 As explained in Section 1.3 of this report, the application has been submitted to the Scottish Government for approval under Section 36 of the Electricity Act 1989 (as amended). Should Ministers approve the extension to the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). While not a planning application, the Council processes S36 applications in the same way as a planning application as a consent under the Electricity Act will carry with it deemed planning permission. Any deemed planning permission which may be granted would be managed by Argyll and Bute Council.
- 6.2 A response from The Highland Council to a consultation for development in a neighbouring planning authority means that the assessment needs to focus on the issues which are most relevant to the Council. It is considered that the only matters likely to have an adverse impact on Highland are the Landscape and Visual Impact and Transport implications of the development given that it is some 32km away from The Highland Council boundary.

### Roads and Transportation

- 6.3 The traffic movements associated with this development amount to 18,118 over a 14 month construction programme.
- 6.4 The site will be accessed using an existing access onto the A819, a local road within Argyll and Bute, currently used for forestry purposes. It is considered that the access will require upgrades as set out in the ES. Transport Scotland agree with the methodology of the ES, however they note that the preferred route to site is not without constraint. There is a section of the A82 between Tarbet and Inverarnan which is to be upgraded by Transport Scotland. While anticipated that the road upgrades will be completed in advance of construction of the wind farm, Transport Scotland. Recognising that this may not be the case the ES has identified a number of alternative routes to site. Route options E, F, G and H, as outlined in Paragraph 1.4 of this report, pass through Highland. It is not considered that the level of increase in traffic on the trunk road network will be significant by the applicant. Albeit, in some locations there may be pinch points, including the junction between the A86 and A82 Spean Bridge (Route E and H), this is likely to require a level of detailed design to identify mitigation. This will require to be agreed between the Planning Authority and Transport Scotland, if one of these routes is chosen, if the preferred route is not deliverable.

- 6.5 It is considered that if consented, a Construction Traffic Management Plan will be able to manage the impact of construction on the trunk road network. Given the potential disruption to the trunk road network during construction, there will be a need for a community liaison group to ensure the community are informed of any traffic issues prior to them coming into force. This can be secured by condition. There will be no impacts on the local road network within Highland.
- 6.6 Based upon the information presented in the transport chapter of the ES, it is not considered that the impact on the trunk road network will be significant. The impact on the roads which are within Highland are considered acceptable.

#### Landscape and Visual Impact

- 6.7 As noted earlier in this report the development is approximately 32km from The Highland Council boundary. While it is not unusual to be able to see wind energy developments from up to 50km away, the significance of any impact diminishes with distance. There are no viewpoints within The Highland Council area, as this is beyond the 35km study area adopted for the ES. As such no visualisations are provided demonstrating the visibility or otherwise from within Highland. While that is the case, a ZTV has been submitted and Council Officers have used this and their experience of dealing with wind energy developments of similar scales to identify any significant landscape and visual effects.
- 6.8 Based upon a 50km ZTV provided to The Highland Council to assist in our consideration of the consultation, theoretical visibility of the development within Highland is largely limited to the rising ground to the north west of Loch Linnhe. This is between 35km and 50km from the development. There is also theoretical visibility from Clach Leathad and Meall a' Bhuiridh within Aonach Mor, this is approximately 45km from the proposed development.
- 6.9 Given the intervening distance between receptors in this area and the scale of development, it is not considered that the development will have an unacceptable landscape or visual impact when one views the development from within The Highland Council area.
- 6.10 It is acknowledged that SNH has objected to the development due to the significant adverse impact on the landscape character of north Loch Awe, impacting on distinctive regional character. This Regional Character Area, as identified within the SNH Landscapes of Scotland work, is immediately to the southern boundary of The Highland Council area. The impact identified as significant is some distance from The Highland Council area. It is not considered the proposed development has an unacceptable impact on nationally, regionally or locally significant landscaped within The Highland Council area.

## **7.0 Conclusion**

- 7.1 Having considered the impact on The Highland Council area it is not considered that the development will have a significant adverse impact on receptors, that could be deemed unacceptable. It is anticipated that the the impacts arising from this

development will be closer to the site, within the Argyll and Bute Council area.

- 7.2 While this is the case, it is considered that to protect the amenity of residents adjacent to the abnormal loads route options that pass through Highland, and the to protect the amenity of road users, that conditions are recommended to the Scottish Government's Energy Consents and Deployment Unit related to construction traffic management and community liaison groups.
- 7.3 Schedule 9 of the Electricity Act requires sets out what an applicant shall do in relation of the preservation of amenity. It is considered that the proposal has had regard to the desirability of preserving natural beauty and has gone some way to mitigate the effects of the development on the natural beauty of the countryside. Based upon the interests of The Highland Council area, it is considered natural beauty has been preserved.
- 7.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not significantly adversely effect the receptors or assets within The Highland Council area and is acceptable in terms of all other applicable material considerations in relation to The Highland Council's interests.

## 8.0 Recommendation

It is recommended that:

- A. the Council **raise no objection** to the application and recommend that conditions are attached to any consent which may be granted to secure construction traffic management and establishment of a community liaison group; and
- B. delegated authority be given to the Head of Planning and Building Standards to respond to any further consultations which may be forthcoming on this application.

Designation: Head of Planning and Building Standards

Author: Simon Hindson, Acting Principal Planner

Background Papers: Documents referred to in report and in case file.

Relevant Plans:



## **Appendix – Letters of Representation**

None.





skylark  
ecoticity SKANSKA

Legend

 Site Boundary

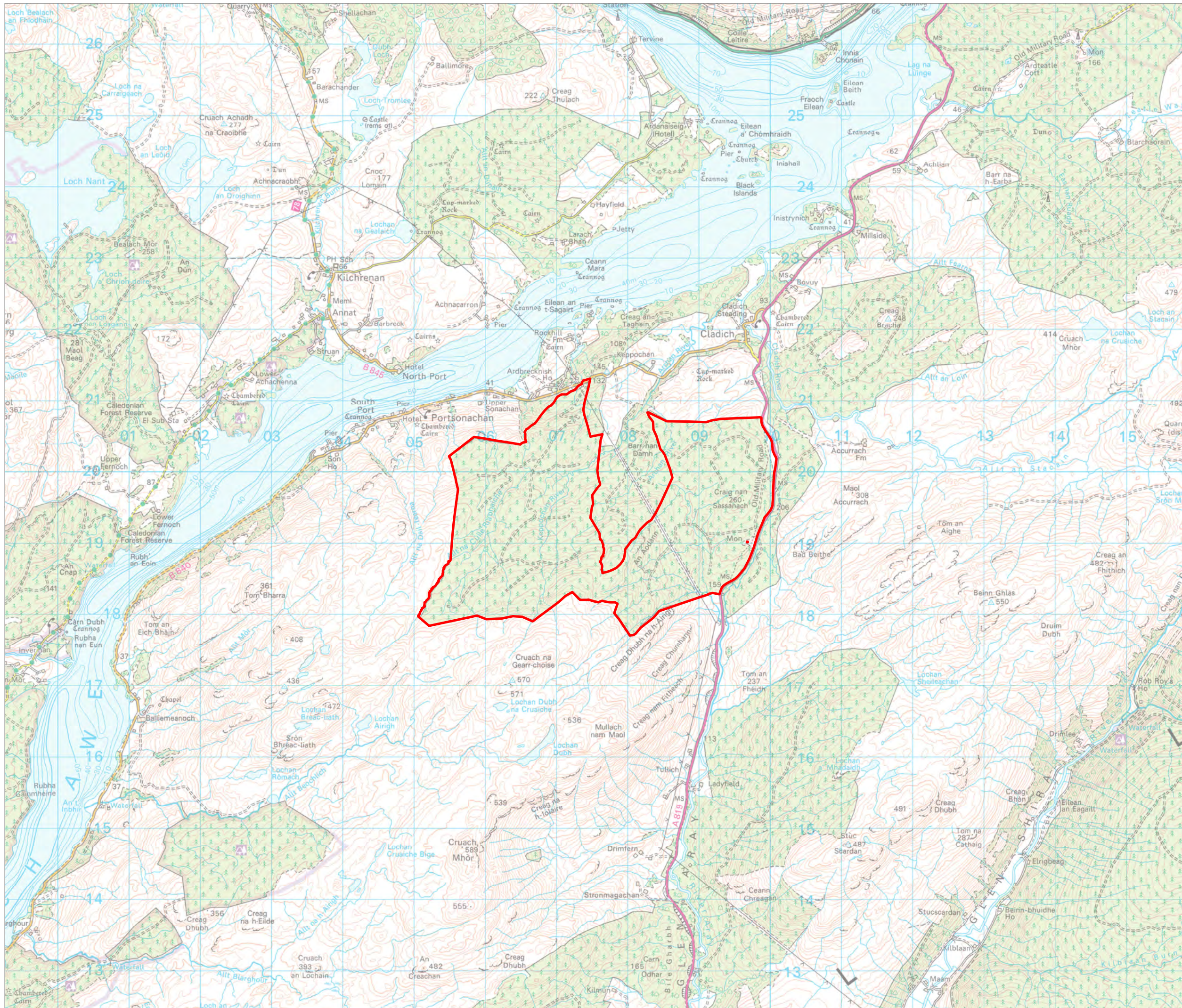


Figure: 1.1a  
Title: Site Location Plan (1:50,000)

N

0 2 km  
Scale: 1:50,000 @ A3

Drawn by:	Checked by:	Approved by:
BP	MW	LW

Ref: 5363\_T0698\_01 Date: August 2015


















**Upper Sonachan Wind Park**





skylark  
ecotricity SKANSKA

Legend

-  Development Site
-  Turbine Location
-  Crane Pad Hardstanding
-  Temporary Indicative Auxiliary Crane Pad
-  Temporary Indicative Blade Laydown Area
-  Proposed Permanent Meteorological Mast Location
-  Upgrade to Existing Access Track
-  New Access Track
-  Indicative Forest Link Road
-  Indicative Passing Place
-  Temporary Borrow Pit Search Areas
-  Existing Watercourse Crossing
-  New Watercourse Crossing
-  Indicative Control Building
-  Indicative Onsite Grid Connection Substation
-  Indicative Temporary Construction Compound
-  Indicative Temporary Batching Plant

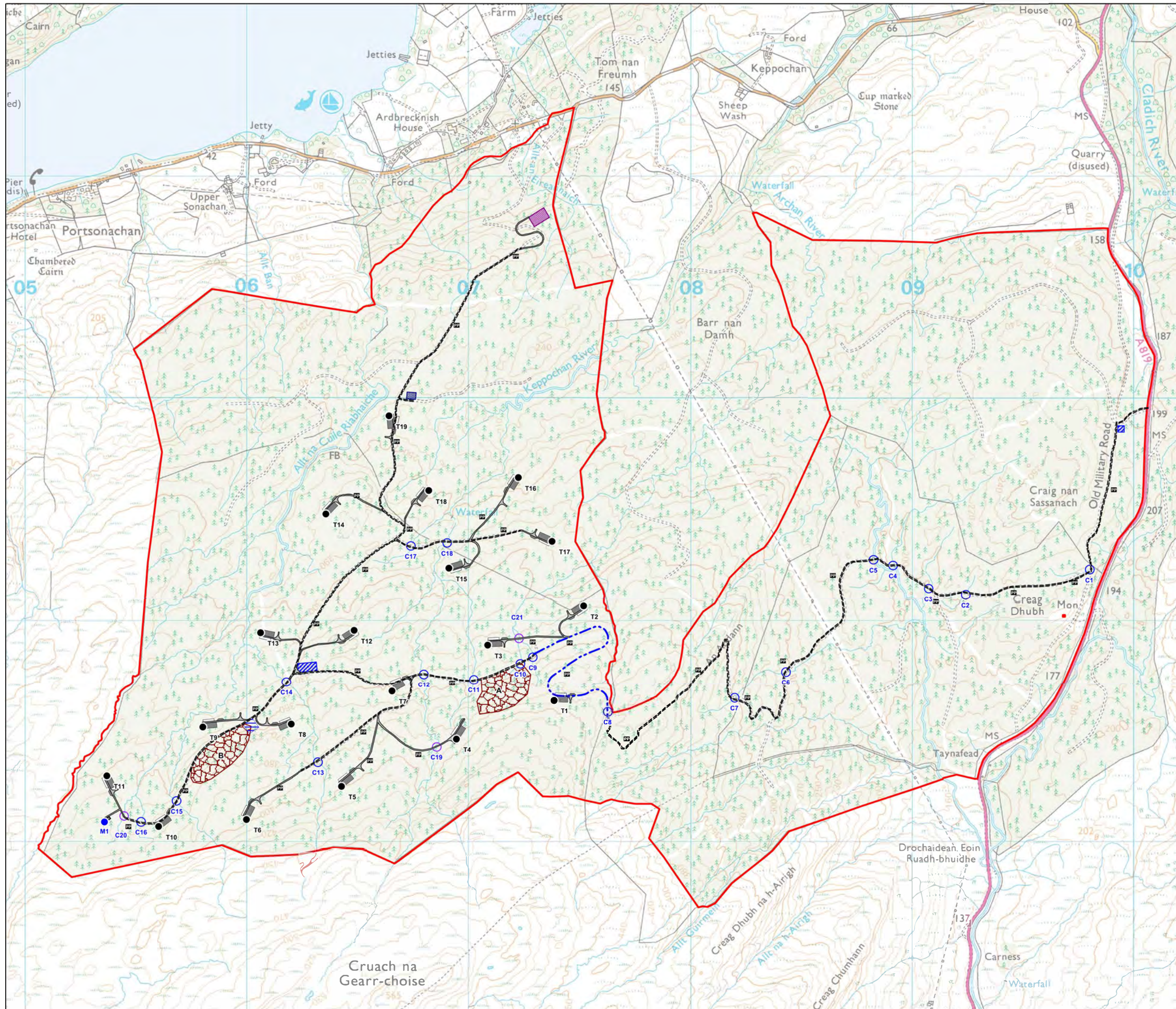


Figure: 5.1a  
Title: Proposed Site Layout



Drawn by T.D.	Checked by LW	BB
------------------	------------------	----

Ref: 5934\_T606\_02 Date: August 2015

Upper Sonachan Wind Park



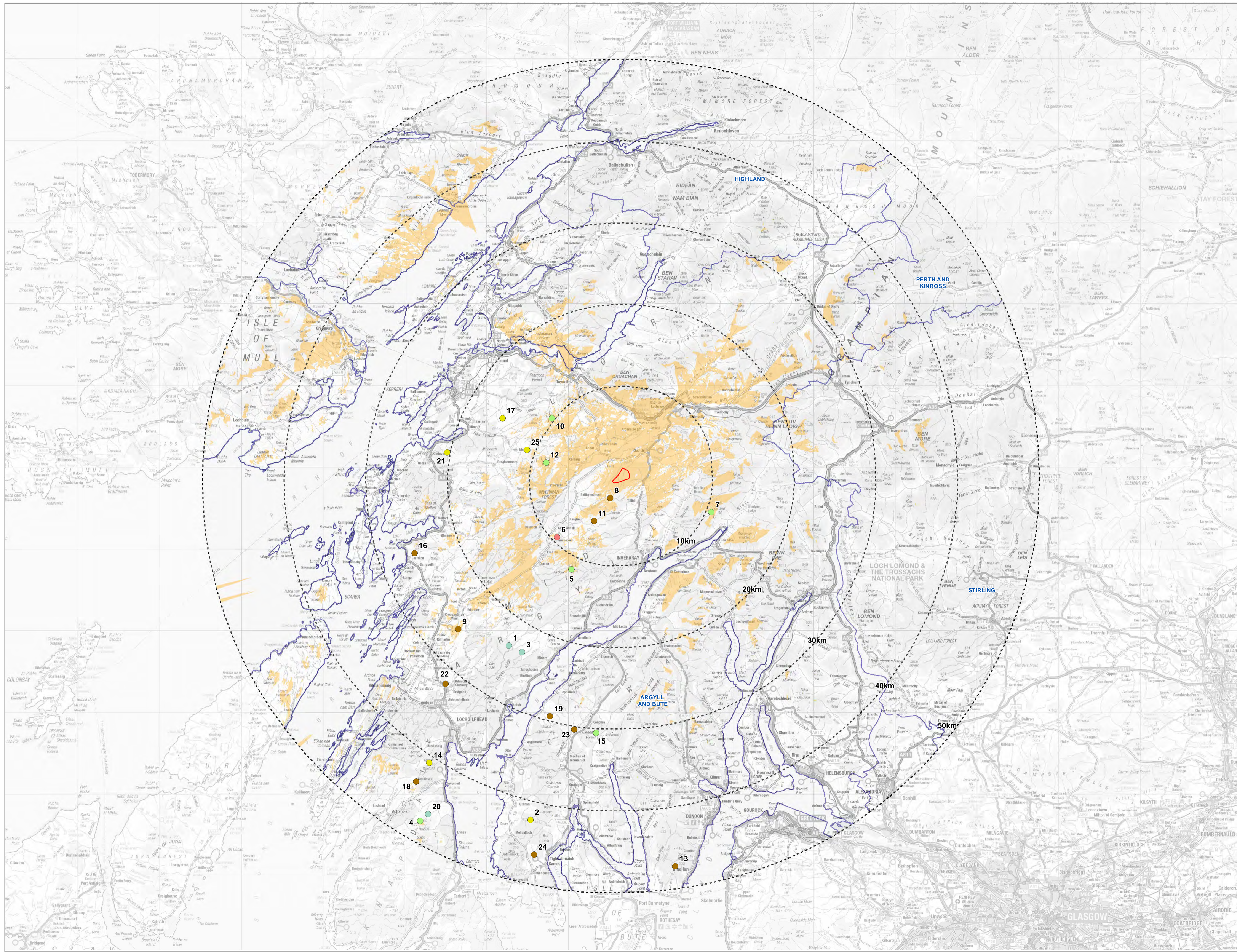


skylark  
ecoticity SKANSKA

Legend

- Upper Sonachan Turbine Area
  - 10km Distance Band
  - Background Zone of Theoretical Visibility (ZTV) to Tip (136.5m Tip Height, 2m Viewer Height)
  - Local Planning Authority Boundary
- Cumulative Assessment Schemes within 50km**
- Planning Status**
- Operational
  - Consented
  - At Appeal
  - In Planning
  - Scoping

ID	Name	Number	Height
1	AJThorn	21	136.5
2	Ardara Woodland	17	116
3	AJThorn Phase 2	2	135
4	Ardara Community Wind Farm	12	81
5	Ardara	23	80
6	Ardara Woodland	15	111
7	Ardara Woodland	9	81
8	Balfour	27	126
9	Balfour	6	80
10	Balfour	14	81
11	Balfour	15	114
12	Cowal (East Loch Awe)	20	125
13	Cowal and Troasachs Forest District Wind Farm	20	110
14	Cowal	18	110
15	Cowal Moor	15	71
16	Cowal	7	125
17	Glenn Loran	11	130
18	Glenn Loran	14	125
19	Glenn Loran	43	125
20	Glenn Loran	3	130
21	Glenn Loran	2	80
22	Kilbrannan	43	125
23	Kilbrannan	5	130
24	Kilbrannan	1	77
25	Kilbrannan	16	124

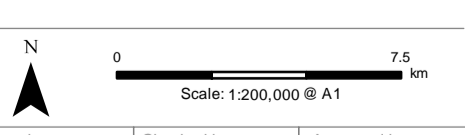


Note:  
ZTVs (Zones of Theoretical Visibility) are calculated using GIS viewshed analysis. ZTVs indicate areas of land and water from which the proposed turbines are theoretically visible at a viewer height of 2m. ZTVs do not allow for views from upper storeys of buildings and other raised structures.

Background ZTVs are based on OS Terrain 50 digital terrain model (DTM) data and take into account the screening effect of topography / groundform only.

ZTVs with Screening are based on a digital surface model (DSM) derived from OS Terrain 50 DTM and OS VectorMap® District data.

**Figure:** Cumulative Assessment Schemes with Background ZTV to Tip (136.5m)



Ref: 5934\_T0496\_01 Date: Nov 2015

Upper Sonachan Wind Park