S.36C VARIATION APPLICATION

for

CARRAIG GHEAL WIND FARM

SUPPORTING STATEMENT

on behalf of

GREENPOWER (CARRAIG GHEAL) LIMITED

1. INTRODUCTION

1.1 GreenPower (Carraig Gheal) Limited (company number SC245115) (the **Applicant**) is the operator of Carraig Gheal Wind Farm (**Carraig Gheal**), situated approximately 8km west of Kilchrenan on the north-west side of Loch Awe in Argyll and Bute.

1.2 Section 36 consent to construct and operate Carraig Gheal (the **S36 Consent**) and deemed planning permission were granted to the Applicant in terms of a decision letter issued by the Scottish Ministers on 13 June 2008. The Applicant (referred to as the "Company" in the decision letter) remains the owner of Carraig Gheal and continues to hold the benefit of the S36 Consent.

1.3 Carraig Gheal completed the commissioning process and commenced commercial operation on 28th October 2013 (the **Final Commissioning Date**). Condition 5.1 of the S36 Consent currently provides that the consent to operate Carraig Gheal will expire in 2038, 25 years after the date of Final Commissioning of the Development.

1.4 The supporting statement accompanies an application by the Applicant for a variation under Section 36C of the Electricity Act 1989 (the **1989 Act**), to amend condition 5.1 of the S36 Consent in order to extend the operational lifespan of Carraig Gheal from 25 years (current) to 40 years (proposed). The application under Section 36C is hereinafter referred to as the **Variation Application**.

2. APPLICABILITY OF SECTION 36C VARIATION PROCESS

2.1 Section 36C of the 1989 Act empowers the Scottish Ministers, upon an application made to them under S36C(1), to vary a Section 36 consent. There are no express statutory limitations on the scope of the power or the nature or materiality of variations which are permitted under S36C of the 1989 Act.

2.2 Guidance on the S36C process published by the Scottish Ministers[1] (the **S36C Guidance**) indicates that the variation process is not intended as a way of authorising any change that would result in development that is "*fundamentally or substantially different in terms of scale and/or nature from what is authorised by the existing consent*"[2]. The S36C Guidance provides illustrative examples of changes which are considered to fall within the scope of the S36C process and one of the examples is: "*changes to the consented operational life*"[3].

2.3 The Variation Application seeks to extend the consented operational life by 15 years. No changes are proposed to the site boundary, the physical configuration of Carraig Gheal or to any conditions which control the manner of operation of Carraig Gheal. No consequential changes to any conditions are proposed or required in consequence of the proposed variation to condition 5.1.

[1] *Guidance Note: Applications for variation of section 36 consents*, published May 2019.
[2] Paragraph 16 of the S36C Guidance.
[3] Paragraph 19 of the S36C Guidance.

2.4 The deemed planning permission is not subject to a time limit condition. The planning conditions relating to decommissioning of Carraig Gheal (conditions 6.23 and 6.24) are triggered by expiry of the S36 Consent. As such, it is not necessary to vary any element of the deemed planning permission and a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (**TCPA**) is not required.

2.5 The proposed variation would not change the nature of Carraig Gheal or its physical scale. The change would be temporal and not of a scale that it would result in a fundamentally or substantially different development from that authorised by the S36 Consent. The proposed variation is within the scope of S36C of the 1989 Act.

3. PRE-APPLICATION DISCUSSIONS WITH ECU

3.1 The Applicant has had pre-application discussions with the Energy Consents Unit (**ECU**) prior to submitting the Variation Application.

3.2 A Pre-Application Notification was submitted to the ECU on 10 November 2020 and a meeting was held with ECU officials on 3 December 2020 to discuss the proposals. The pre-application advice confirmed that the Applicant should consider whether the proposed variation would require Environmental Impact Assessment (**EIA**).

3.3 Subsequently, a draft of the application documents was submitted to the ECU ahead of a "gate-check" meeting held on 25th November. The Applicant has had regard to the advice provided by the ECU through the pre-application and "gate-check" processes.

4. ENVIRONMENTAL CONSIDERATIONS

4.1 The Applicant has considered the need for EIA of the proposed variation under the terms of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the "**2017 EIA Regulations**") and discussed this matter in pre-application with the ECU as set out above.

4.2 The 2017 EIA Regulations were amended in December 2017[4] to clarify that EIA should only be required where the changes proposed by a variation may themselves be likely to give rise to significant environmental effects. Where the proposed variation itself is unlikely to have significant effects, no EIA report is required for a variation application.

4.3 The proposed variation does not seek authorisation for any new building or engineering operations. Carraig Gheal is an operational wind farm. On a day to day basis the wind turbines operate automatically, responding by means of anemometry equipment and control systems to changes in wind speed and direction. That would continue during the period of the extension. The Wind Farm is monitored remotely on a 24/7 basis by both the site manager and the wind turbine manufacturer, which allows for swift

[4] Amended by The Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2017.

response to any faults that occur in order to maximise energy yield and return turbines to operation as soon as reasonably possible. The wind turbines and ancillary equipment are all regularly maintained according to the manufacturer's specifications. Regular site inspections take place, including monthly visual inspections and more detailed inspections according to specific equipment requirements. A stock of spare parts are retained on the Wind Farm site. The turbines themselves are serviced and maintained by the original manufacturer who is retained on a long term service agreement, providing the Applicant with warranties and availability guarantees.

4.4 Consequently, extending the lifespan is not likely to give rise to any new or additional significant adverse effects on vegetation/flora, hydrology, archaeology, aviation, other infrastructure (e.g. telecoms). Operational noise would continue to be controlled by and comply with conditions 6.50 – 6.54 of the S36 Consent.

4.5 The original application for the S36 Consent was supported by a comprehensive Environmental Statement[5] (**ES**) which identified any likely significant effects arising from the construction, operation and decommissioning of Carraig Gheal. Subject to confirmed mitigation measures, the ES did not identify any significant adverse effects, other than a limited number of visual effects[6].

4.6 In determining the original application, the Scottish Ministers considered the environmental effects and concluded that the effects of Carraig Gheal were (subject to conditions) either not significant[7] or acceptable in planning terms.

4.7 The LVIA in the ES assessed landscape and visual effects as permanent effects, albeit reversible. As such, the extension of the operational life by 15 years does not affect any conclusions previously set out in the ES as to the significance of landscape and visual effects.

4.8 In relation to ornithology, the ES concluded that (subject to mitigation) effects during construction, operation and decommissioning would be not significant for each of the following key species: Red-throated diver; Golden eagle; Merlin; Golden Plover. However, on a precautionary basis, to inform the Variation Application, RPS were instructed and have prepared an ornithological report[8] (the **RPS Report**) which considered whether the proposed 15 year life extension could give rise to any significant negative impact on birds of conservation importance and concluded it would not.

4.9 A copy of the RPS Report is submitted as part of the Variation Application and should be referred to for its detail. In summary:-

[5] The ES comprised the Main Report dated November 2004 and an ES Amendment dated October 2005. The ES was prepared in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000.
[6] The significant residual effects identified by the ES were limited to two properties (Balliemeanoch Farm and Oaklea, at ~4.7 km distance, and to recreational viewpoints at Loch Nant, Portsonachan, Blarghour and intermittent locations along the B840 and waters edge between Balliemeanoch and Blarghour.
[7] See, for example, paragraph 21 of the Scottish Ministers decision letter.
[8] RPS, November 2021.

4.9.1 RPS examined the baseline ornithological data (desk study and survey) from the 2004 ES and the effects predicted at the time. In addition, bird information from the Carraig Gheal site and its surroundings was examined, including data from the ECoW records from the 2009 to 2014 construction period, and post-construction monitoring results from 2014 onwards.

4.9.2 The results of the post-construction upland breeding bird surveys demonstrate that the wind farm site and wider survey area continue to support a very similar assemblage of species to that identified during the baseline pre-construction surveys. It appears that the general abundance and distribution of species of conservation concern in particular has remained relatively stable and consistent with the pre-construction condition levels (subject to typical inter-annual variation) and, as such, the presence of Carraig Gheal does not appear to have significantly negatively affected the upland breeding bird assemblage.

4.9.3 To ensure a robust consideration, RPS also took into account the more recent data and contemporary understanding of wind farm and bird interactions that have emerged since the ES was prepared (e.g. changes in conservation sensitivity and national, regional and local populations trends).

4.9.4 The population size and trends of key species were also examined by RPS. The populations of key species present at Carraig Gheal have increased.

4.9.5 Taking into account all of the above, RPS conclude that the proposed lifetime extension for Carraig Gheal will not have significant negative effect on any key bird species.

4.10 Given the findings of the original ES, and considering the advice from RPS on ornithology, the conclusion is reached that the proposed variation does not require EIA. As such, no EIA Report is provided with the Variation Application.

5. THE REASONS FOR AND BENEFITS OF THE PROPOSED VARIATION

5.1 Wind turbine technology continues to evolve and the understanding of site conditions and turbine condition and performance monitoring has grown since the S36 Consent for Carraig Gheal was obtained. It is now considered that it is reasonable to expect that Carraig Gheal could have a viable operational lifespan of up to 40 years.

5.2 As noted by the Scottish Ministers in their recent decision letter granting section 36 consent for the Arecleoch Extension wind farm[9], it is now expected that turbines will be capable of producing electricity over a longer period than has historically been assumed, and extending the production of renewable energy and promote good practice in the maintenance and operation of wind is in line with the principles as set out in Scottish Planning Policy (**SPP**).

[9] Scottish Government - Energy Consents Unit - Application Details.

5.3 The Scottish Government has a legally binding target of 'net zero' GHG emissions by 2045, with a very challenging interim target of 75% reduction of emissions by 2030. These matters are addressed further below but for the 2030 and 2045 targets to be met, it will be important that existing installed onshore wind capacity is maintained and not decommissioned prematurely. If the Variation Application is not approved, Carraig Gheal would have to be decommissioned in or around 2038, meaning it would not contribute to achievement of the 2045 target and its contribution would have to be replaced elsewhere.

5.4 Extending the S36 Consent therefore presents a real opportunity, taking advantage of advances in the understanding of wind turbine performance, care and maintenance, to allow Carraig Gheal to produce renewable electricity and to contribute to climate change mitigation and related renewable energy targets for as long as is possible. Specifically, the benefits would include:-

5.4.1 The additional energy generated would be sufficient to power an equivalent 32,000 households per annum.

5.4.2 The development would further offset carbon dioxide and other greenhouse gas emissions over the 15 year extension lifetime of the development. The carbon dioxide savings are estimated at circa 164,000 tonnes per annum (average).

5.4.3 There will be positive economic impacts in the form of continued business rates and employment to monitor the operation and provide maintenance of the turbines.

5.4.4 While not a material planning consideration, there would also be a continuation of community benefit funding during the extended lifetime.

6. LEGAL & POLICY CONTEXT & APPRAISAL

Legal Context

6.1 On receiving a S36C variation application the Scottish Ministers may make such variations to the consent as appear to be appropriate, having regard (in particular) to

6.1.1 the applicant's reasons for seeking the variation;

6.1.2 the variations proposed;

6.1.3 any objections made to the proposed variations, any advice tendered by any consultees and the outcome of any public inquiry.

6.2 The Applicant's reasons for seeking the variation (and the benefits) are set out in section 5 above. The variations proposed have also been described above, and are set out in Appendix 1 of the cover letter for the Variation Application.

6.3 There are no other prescribed matters to which the Scottish Ministers must have regard. Schedule 9 of the 1989 Act (*Preservation of Amenity & Fisheries*) applies to applications under section 36 and 37 of the

1989 Act, but not to applications made under S36C of the 1989 Act. The Electricity Generating Stations (Applications for Variation of Consent)(Scotland) Regulations 2013 do not identify any particular matters that must be considered by the Scottish Ministers when determining a S36C variation application.

6.4 Section 25 of the TCPA does not apply to applications under S36 and for the same reasons cannot apply to applications under S36C. Therefore, the Argyll and Bute development plan is not given primacy, although relevant policy in the development plan may still be a relevant consideration for Ministers.

6.5 The Scottish Government's statutory targets for the reduction of GHG emissions, and related policy on energy and climate change, are also clearly relevant considerations and should be given significant weight.

6.6 As set out above, in this case there is no need to make any direction under section 57 of the TCPA to amend the existing deemed planning permission and Carraig Gheal is not subject to any planning obligations under section 75 of the TCPA that would require to be amended. Suitable conditions are and would remain in place to secure future decommissioning of Carraig Gheal at end of life.

Planning History

6.7 The need for and acceptability of Carraig Gheal were established by the grant of the S36 Consent.

6.8 The Scottish Ministers judged the benefits of Carraig Gheal to outweigh the limited adverse impacts when they determined the S36 Consent on 13 June 2008. A copy of the decision letter and the decision notice are provided with this Variation Application and record that Scottish Ministers were satisfied that it would (subject to conditions) be appropriate for the Applicant to construct and operate Carraig Gheal in the manner set out in the application for the S36 Consent.

6.9 In reaching that decision, the Scottish Ministers found the environmental information in the ES to be satisfactory. All representations made by statutory consultative bodies and others were taken into account and Argyll and Bute Council (**the Council**) did not oppose the application. No statutory consultees maintained an objection.

6.10 The Ministers considered the suite of energy, climate change and planning policy in place at that time in 2008[10]. Ultimately, the Scottish Ministers concluded that Carraig Gheal would make a valuable contribution towards achieving renewable energy targets which aim to combat the effects of climate change[11] and that the development was consistent with the relevant national and local policy on renewable energy.

[10] This included inter alia SPP1 (Planning System), SPP6 (Renewable Energy), NPPG 5 (Archaeology and Planning), NPPG 14 (National Heritage) PAN 45 (Renewable Energy) and the relevant policies contained within the Argyll and Bute Structure Plan (November 2002) including STRAT RE1 – Wind Farm/Turbine Development, the Lorn Local Plan (September 1993) and the Argyll and Bute Finalised Draft Local Plan 2005.
[11] See paragraph 25 of the decision letter.

6.11 The relevant policy context has evolved since 2008. This evolution is addressed in the following sections, in summary form as it assumed that the Scottish Ministers (and the ECU) are familiar with the statutory obligations and national policy framework and because the Variation Application seeks only to extend the operational life and it is not necessary to re-visit matters of siting and design.

6.12 For brevity, the following text focusses on the current position and does not narrate the whole evolution in legislation and policy since 2008. It is also convenient to address matters and publications thematically rather than in chronological order or on a document by document basis.

The Climate Emergency & the Statutory Net Zero Target

6.13 The Scottish Government declared a global climate emergency in April 2019.

6.14 Subsequently, in response, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the Climate Change (Scotland) Act to introduce the much tougher target of net zero GHG emissions[12] to be achieved by 2045, five years earlier than before. Importantly, Scotland also set interim targets to reduce emissions by at least 75% by 2030 and 90% by 2040.

6.15 Meeting Scotland's net zero target by 2045 will be extremely difficult and the interim 2030 target of a 75% emissions reduction is especially demanding according to modelling by the Climate Change Committee[13].

6.16 The climate change emergency and statutory targets are material considerations and should be given significant weight in determining the Variation Application.

Renewable Energy Targets & Deployment

6.17 It has long been recognised that renewable electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively. The Scottish Government had a long-standing target for renewable sources to generate the equivalent of 100% of electricity consumption by 2020. Despite best efforts, that target was not met: in 2020 renewables accounted for approximately 95.9% gross electricity consumption[14].

6.18 In 2017 the Scottish Energy Strategy (**SES**) established the more ambitious target for the equivalent of 50% of the energy for Scotland's heat, transport, and electricity consumption to be supplied from renewable sources. The 2030 target encompasses heat and transport and will be very challenging to meet[15].

[12] The previous target was an 80% reduction in emissions.
[13] See Sixth Carbon Budget Report. In none of five scenarios modelled by the CCC – even its most optimistic – is Scotland close to achieving the 75% emissions reduction by 2030. See pages 228-9 of the 6th Budget. The five scenarios are explained in pp 43-48.
[14] See paragraph 1.2.1 of the Onshore Wind Policy Statement Refresh, November 2021.
[15] Prior to SES, the Scottish Government's target was for renewable sources to generate the equivalent of 100% of electricity consumption by 2020. Despite best efforts, that target has not been met: in 2020 renewables accounted for approximately 97.4% gross electricity consumption.

6.19 As heat and transport are decarbonised, demand for electricity from renewable sources can be expected to increase significantly. While total energy demand is expected to have reduced by 2045 because of other sustainability measures, electricity demand is expected to grow substantially as carbon-intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.

The Vital Role of Onshore Wind

6.20 The Onshore Wind Policy Statement 2017 (**OWPS**) published in December 2017 set out a strong and supportive policy position in relation to onshore wind. The Ministerial Foreword set the tone: "*there is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland*". However, the OWPS pre-dates the declaration of the climate emergency and the new statutory targets which strengthen the need case for adding to but also retaining our existing onshore wind capacity.

6.21 The CCC Sixth carbon budget[16] suggested that installed UK onshore wind capacity would need to increase to 25-30 GW by 2050, across all scenarios modelled. The majority of this capacity is expected to be in Scotland. This is reflected in the recent Bute House Agreement and in turn the consultative draft of the OWPS Refresh, which both identify an ambition to deliver between 8 and 12 GW of additional installed onshore wind by 2030.

6.22 The scale of the challenge to deliver this ambition should not be underestimated. At present Scotland has approximately 8.4 GW of installed onshore wind capacity, which has taken around two decades to achieve, during most of which period a favourable support framework was in place.

6.23 For targets to be met, it will be equally important to maintain and extend the operational lifespans of existing installed capacity. A recent industry report[17] makes the point (page 27) that in light of turbines coming to the end of their operational life, a prediction is that the UK could lose around 5.5 GW of capacity by 2040. The 2045 targets will not be met if substantial quantities of existing onshore wind capacity is lost through premature decommissioning.

6.24 The need to retain existing installed capacity is recognised as an opportunity as well as a challenge in the OWPS Refresh published in November 2021. It notes (paragraph 2.2.1) that the Scottish Government expects up to 2.5GW of currently operational Scottish wind farm developments to reach the end of their consented life over the next decade. With that in mind, the OWPS Refresh expresses strong support in principle for repowering, including life extensions, noting the significant advantages of maximising the generation from established sites[18]. Notwithstanding this is a draft document, it reflects the Scottish Government's current position on and strong support for the principle of wind farm life extensions.

6.25 To conclude, the policy support and need to maintain schemes such as Carraig Gheal for as long as possible is clear and stronger than before. Since Carraig Gheal was consented in 2008, the Scottish

[16] The UK's Path to Net Zero', December 2020.
[17] The 'Onshore Wind Industry Prospectus' published by Renewable UK in October 2021.
[18] See section 2.2 in general and paragraphs 2.2.1 – 2.2.8 in particular.

Government has acknowledged a climate emergency, set a new statutory "net zero" target, announced a new target to install an additional 8 – 12 GW of onshore wind by 2030 and has acknowledged the important role of repowering, including life extensions. For the 2045 net zero target to be met, Carraig Gheal, and other existing installed capacity in appropriate locations, must not be decommissioned prematurely.

National Planning Policy

6.26 A Fourth National Planning Framework (**NPF4**) is currently being progressed to replace NPF3 and SPP 2014[19] (**SPP**) and may be adopted during the determination of the Variation Application. A draft of NPF4 was published for consultation on 10th November 2021. Now that the draft has been published it is a material consideration, albeit it may be subject to change and that must be reflected in the weight that is placed on its draft policy.

6.27 Part 3 of the draft NPF4 contains proposed new 'National Planning Policy'. Regarding the theme of "sustainable places", it sets out (page 68) that:

> "*To achieve a net zero, nature positive Scotland, we must rebalance our planning system so that climate change and nature recovery are the primary guiding principles for all our plans and all our decisions. That includes emissions reduction and the adaptations we need to make in order to be resilient to the risks created by a warmer climate."*

6.28 Six Universal Policies are identified, of which Policy 2 is of particular relevance to the Variation Application. It states "*when considering all development proposals significant weight should be given to the Global Climate Emergency".*

6.29 Under the theme of "productive places" (page 90) is draft Policy 19 in relation to "Green Energy". The preamble states:

> "*We want our places to support continued expansion of low carbon and net zero energy technologies as a key contributor to net zero emissions by 2045. Scotland's energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery. A wide range of renewable technologies are capable of delivering these benefits, although it is likely that the onshore wind sector will play the greatest role in the coming years. The planning system should support all forms of renewable energy development and energy storage, together with new and replacement transmission and distribution infrastructure*." (underling added)

6.30 The detailed wording of the proposed policy may change as a result of the public consultation and indeed through the Parliamentary process for NPF4. However, the key elements of the policy as currently proposed include the following of relevance to the Variation Application: "*Development proposals to repower, extend and expand existing wind farms and for the extension of life to existing wind farms should be supported unless the impacts identified (including cumulative effects) are unacceptable*."

[19] Amendments made to SPP in December 2020 have been quashed following a recent successful legal challenge and so, for now, the policy as set out in SPP 2014 applies.

6.31 NPF3 and SPP remain extant and material considerations in the interim, although it must be recognised that their policy content does not reflect current statutory targets. Both reflect the circumstances in 2014 when emission reduction and renewable energy targets were lower. There has been a clear and fundamental shift from what was (in 2014) a move to a 'low carbon economy': the target now is now a net zero economy and society.

6.32 With those caveats in mind, the following aspects of NPF3 and SPP are of relevance and can be noted:

6.32.1 NPF3 and SPP provide strong support in principle of onshore wind in the right place. The Carraig Gheal site has been found to be the 'right place' and an extension of its operational life has no bearing on this judgement.

6.32.2 Paragraph 174 of SPP addresses existing wind farm sites and states:

> "*proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals*".

6.32.3 Paragraph 169 of SPP identifies a list of development management considerations such as effects on natural heritage, cultural heritage and landscapes and visual receptors. The scale of a development's contribution to renewable energy generation targets and the effect on GHG emissions reduction targets are also important factors to consider. The ES for Carraig Gheal addressed all these factors and the Scottish Ministers found Carraig Gheal to be acceptable overall. The extension of Carraig Gheal's operation life would extend its contribution to renewable energy and emission reduction targets, without giving rise to any new or materially different adverse environmental effects. Considered against the factors identified in SPP paragraph 169, the Variation Application does not give rise to cause for concern.

6.32.4 SPP also contains a presumption in favour of development that contributes to sustainable development. Whether a proposed development is (or contributes to) sustainable development is assessed according to the principles set in paragraph 29 of SPP, which cover broadly similar matters to the considerations identified in paragraph 169 of the SPP and already addressed above. As such, Carraig Gheal is (or contributes to) sustainable development and the Variation Application would allow that contribution to continue for a longer period. The Variation Application should benefit from the presumption.

<u>Local Policy</u>

6.33 The Council adopted the Argyll and Bute Local Development Plan (**ABLDP**) on 26th March 2015.

6.34 Policy LDP 6—*Supporting the Sustainable Growth of Renewables* is the main policy for the purposes of considering onshore wind farm proposals. It supports renewable energy developments in principle. There are no specific or discrete policy considerations for life-extension or repowering applications. The

relevant considerations for new wind farm developments set out in the policy (reproduced in Annex 1 for ease of reference) essentially mirror and add nothing material to the considerations set out in paragraph 169 of SPP, which have been addressed above.

6.35 Other ABLDP policies may be relevant insofar as they apply to all forms of development including wind farms. However, there is a need to avoid duplicating the considerations that are contained in both specific policies and general policies. As policy considerations in LDP 6 are specific to wind farms and comprehensive, there is no need to look elsewhere in the ABLDP.

6.36 The Council has also published Supplementary Guidance, including Supplementary Guidance 2 (December 2016) (**SG2**), which covers Renewable Energy. SG2 is not statutory supplementary guidance and does not form part of the LDP and does not contain any specific advice on life-extension or repowering applications.

6.37 The Council has also published a Landscape Wind Energy Capacity Study (updated in 2017), which provides broad strategic guidance on landscape and visual matters relating to the siting and design of wind farms. As Carraig Gheal is an operational wind farm, and the Variation Application does not seek to alter the site or the dimensions of the turbines, it is not considered necessary to consider the advice in the Landscape Wind Energy Capacity Study.

6.38 The proposed Local Development Plan 2 (**PLDP2**) was subject to consultation between 14th November 2019 and 24th January 2020, and in June 2021 the Council resolved to put forward the PLDP2, to the Scottish Ministers for examination. The examination of PLDP2 has yet to commence and may lead to changes to the currently proposed policy framework. The DPEA has a target to conclude examinations within 9 months, although the current average timescale is around 9.5 months[20]. The PLDP2 is therefore unlikely to be adopted until late 2022 at the earliest, or more likely 2023, and the relevant proposed policy in the PLDP2 has only limited weight in the context of the Variation Application. In any event, the main policy of relevance, Policy 30 – The Sustainable Growth of Renewables, mirrors Policy LDP 6 in the ABLDP and so no further policy appraisal is necessary.

7. CONCLUSION

7.1 As an operational scheme, Carraig Gheal is already providing a valuable contribution to the Scottish Government's net zero and renewable energy targets.

7.2 The additional 15 years maximises the benefits of the renewable energy infrastructure at the site, contributing to efforts to address the Climate Emergency. The extension would ensure the renewable energy capacity provided by Carraig Gheal remains on-line beyond the 2045 target date for "net zero".

7.3 Conversely, there are no significant environmental disbenefits as a consequence of approving the Variation Application. On a day to day basis the wind turbines operate automatically. There would be no

[20] DPEA annual performance report, 2020-2021.

unacceptable effects. There is no technical reason for discontinuing the wind farm after 25 years given the expected low levels of degradation of equipment.

7.4 The Applicant invites the Scottish Ministers to approve the Variation Application in the terms sought.

Pinsent Masons LLP

Agent for the Applicant

30 November 2021

ANNEX

4.4 Policy LDP 6 – Supporting the Sustainable Growth of Renewables.

The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse

affects, whether individual or cumulative, including on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses.

A spatial framework for wind farms and wind turbine developments over 50 metres high in line with Scottish Planning Policy will be prepared as Supplementary Guidance. This will identify:

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

All applications for wind turbine developments will be assessed against the following criteria:

- *Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.*
- *The scale of contribution to renewable energy generation targets.*
- *Effect on greenhouse gas emissions.*
- *Cumulative impacts arising from all of the considerations below.*
- *Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.*
- *Landscape and visual impacts, including effects on wild land.*
- *Effects on the natural heritage, including birds.*
- *Impacts on carbon rich soils, using the carbon calculator.*
- *Public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.*
- *Impacts on the historic environment, including scheduled monuments, listed buildings and their settings.*
- *Impacts on tourism and recreation.*
- *Impacts on aviation and defence interests and seismological recording.*
- *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.*
- *Impacts on road traffic.*
- *Impacts on adjacent trunk roads.*
- *Effects on hydrology, the water environment and flood risk.*
- *The need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration.*
- *Opportunities for energy storage.*
- *The need for a robust planning obligation to ensure that operators achieve site restoration.*

Further information and detail on matters relating to the growth of renewables. A spatial framework for onshore wind energy developments will be provided in Supplementary Guidance