High Brenfield Wind Farm ECU00004961

Further submission of Ardrishaig Community Council following the Applicant's provision of Additional FEI and responses to statutory consultees

21 January 2026

Section 1 – Introduction, Status of Representations, and Approach

1.1 Purpose and context

Ardrishaig Community Council (ACC) submits this response in January 2026 in respect of the High Brenfield Wind Farm Section 36 application, following the submission by the Applicant of Additional Further Environmental Information ("FEI"), subsequent correspondence with statutory consultees, and the publication of updated policy guidance and relevant peer-reviewed evidence.

The purpose of this submission is to assist Scottish Ministers in determining whether the application is decision-ready and whether the matters previously raised by ACC and by statutory consultees have been satisfactorily resolved.

1.2 Relationship to ACC's August 2025 representation

This submission must be read in conjunction with ACC's detailed representation submitted in August 2025, which remains valid in its entirety.

Prior to 19 January 2026, the Applicant had provided no response to that representation and no schedule, commentary or explanation demonstrating how the matters raised by ACC had been addressed, mitigated or avoided. In particular, the Applicant did not identify which issues it considered resolved, nor did it provide an evidential basis for any such conclusion.

ACC therefore proceeds on the basis that all matters raised in August 2025 remain unresolved, except where the Applicant has clearly and expressly demonstrated otherwise through its subsequent submissions. In the absence of such demonstration, those matters should be treated as outstanding at the point of determination.

1.2A Applicant's late response and procedural constraints

The Applicant chose not to respond to ACC's August 2025 representation until issuing a response dated 19 January 2026, in the final week of the Further Environmental Information consultation period. That response was subsequently published by the Energy Consents Unit on 20 January 2026.

ACC notes that the timing of this submission is not neutral in its effect. It materially constrains ACC's ability to consider, test and respond fully to the Applicant's rebuttal within the available timeframe and shifts procedural risk onto the community.

Accordingly, ACC does not accept that the Applicant's late response resolves, negates or diminishes the concerns set out in ACC's August 2025 representation. All matters raised therein which remain unaddressed, partially addressed, or reliant on post-consent controls should continue to be treated as live and unresolved issues in the determination of this application.

1.3 Scope and limits of this January 2026 submission

The purpose of this further submission is not to restate ACC's August objections in full, nor to duplicate material already before Ministers.

Instead, it examines whether the Applicant's Additional FEI and subsequent correspondence materially change the position previously set out by ACC; identifies where statutory consultees continue to raise objections or unresolved concerns; highlights where the Applicant asserts that matters have been resolved but significant uncertainty, evidential gaps or reliance on future conditions remain; and draws attention to new policy guidance and peer-reviewed evidence published since submission of the application where this reinforces or sharpens existing concerns.

Where issues raised in August are not revisited in detail in this submission, that should not be taken to imply that they have been resolved or abandoned. In addition, where ACC has not responded in detail to specific points raised for the first time in the Applicant's response dated 19 January 2026, this should not be taken as agreement or acquiescence, but reflects the procedural constraints created by the timing of that submission.

1.4 ACC's position on acceptability in principle

ACC's position is that the proposed development is unacceptable in principle and that the Section 36 application should be refused.

That position is not based on the absence of mitigation detail, but on the nature, scale and siting of the proposal itself. ACC believes this project is sited inappropriately. Its impacts are inherent to the proposal itself. Because these issues are fundamental, no planning conditions—whether set before or after consent—can fix them or make the project acceptable.

The Applicant's proposed conditions repeatedly proceed on the assumption that unresolved objections or concerns can be addressed through future agreement with statutory consultees. As demonstrated in the accompanying Appendix, that assumption is not supported by the evidential record in this case and cannot lawfully substitute for resolution of substantive planning issues at the point of determination.

In particular, the application seeks consent for a development which would result in fundamental and irreversible change to landscape character and setting; unacceptable harm to heritage assets and their setting; unresolved risks to public and private water supplies; permanent loss and fragmentation of sensitive habitats and carbon-rich soils; and cumulative impacts on communities and infrastructure which exceed what can reasonably be absorbed.

These matters go to acceptability in principle, not to the adequacy of management plans or mitigation detail.

1.5 Conditional position should Ministers be minded to grant consent

ACC recognises that Scottish Ministers may nonetheless decide to proceed to determination on a basis other than refusal.

If Ministers are minded to grant consent, ACC submits that they should do so only after addressing the specific matters identified in this submission which ACC considers incapable of being adequately resolved through planning conditions. These include matters which depend on avoidance or design change rather than mitigation; rely on post-consent assessment or monitoring to establish acceptability; assume restoration outcomes that are uncertain or not achievable within a reasonable timescale; or require governance, coordination or enforcement mechanisms that are not defined at consent stage.

This submission therefore serves two purposes: first, to explain why ACC considers refusal to be the appropriate outcome; and second, in the alternative, to identify the minimum matters requiring explicit Ministerial consideration, and where necessary resolution, before any consent could lawfully and responsibly be granted.

1.6 Decision-stage principles and use of conditions

ACC recognises that planning conditions can play a legitimate role in controlling and mitigating development impacts. ACC bases this submission on the established principle that planning conditions cannot remedy fundamental deficiencies in environmental assessment. Ministers cannot use conditions to defer the assessment of significant effects or to substitute for information required under the EIA Regulations.

Where impacts go to acceptability in principle, the appropriate planning response is refusal rather than conditional approval.

ACC draws Ministers' attention to the accompanying Appendix, which provides a structured analysis of the Applicant's proposed planning conditions and explains why key issues cannot be cured through conditional consent. That analysis demonstrates that the conditions framework is being relied upon not merely to regulate implementation, but to defer assessment, assume future agreement, and transfer unresolved impacts into post-consent processes. In ACC's submission, the Appendix shows that the proposed conditions do not provide a lawful or decision-ready basis on which consent could properly be granted.

Taken together, the Applicant's proposed conditions would transfer unresolved environmental, amenity and public health risk from the Applicant to regulators, affected communities and Ministers themselves. Granting consent in these circumstances would not resolve those risks,

but would endorse them, displacing their consequences into post-consent processes over which affected communities have no formal role.

1.7 Structure and approach of the sections that follow

Following the framework and position set out above, the sections that follow address the substantive environmental, community and planning issues raised by the proposal.

Each section focuses on matters which remain unresolved at the point of determination, having regard to ACC's August 2025 representation, the Applicant's Additional FEI and subsequent correspondence, and the views of statutory consultees. For each topic, the relevant unresolved concerns are identified, the adequacy of the Applicant's subsequent material is assessed, and proposed reliance on post-consent mitigation, monitoring or conditions is examined where resolution is required prior to consent.

A consolidated reference list for all sources cited in this submission is provided in Section 12. Short-form citations are used throughout the text for ease of cross-reference.

Section 2 – Environmental Context, Baseline and Interactions

2.1 Purpose and scope of this section

This section addresses the environmental context within which the proposed High Brenfield Wind Farm would be developed, focusing on baseline conditions, environmental sensitivities and interactions between receptors.

It considers whether the Applicant's EIA, as supplemented by FEI, has adequately examined and resolved the environmental context necessary to support a decision in principle, or whether key matters have instead been deferred or left unresolved at application stage.

2.2 Environmental sensitivity of the receiving environment

The High Brenfield site is located within an environmentally sensitive area characterised by upland habitats, forestry, peat and carbon-rich soils, watercourses and catchments supporting public and private water supplies, and landscapes of high scenic and experiential value.

The site lies within a wider environmental system in which individual receptors are closely interconnected. Changes to land use, drainage, forestry management or access have the potential to give rise to secondary and cumulative effects across multiple environmental topics.

This level of sensitivity is acknowledged in parts of the EIA. However, ACC considers that the implications of that sensitivity for assessment scope, precaution and decision-stage certainty are not consistently carried through the Applicant's conclusions.

2.3 Approach to baseline data and assessment

The EIA relies on a combination of desk-based information, targeted surveys and modelling to characterise baseline conditions. In several topic areas, ACC considers that the Applicant is relying on baseline information which is incomplete, temporally limited or reliant on assumptions that have not been tested through the application process.

Where baseline uncertainty exists, the Applicant frequently proposes to rely on post-consent surveys, monitoring programmes or adaptive management plans to refine understanding and manage impacts. This approach shifts the burden of assessment beyond the application stage, despite the fact that many of the issues identified are capable of being examined and resolved prior to consent.

As a result, Ministers are asked to determine the application without a fully resolved understanding of baseline conditions across key receptors.

2.4 Interaction between environmental receptors

The proposal would introduce multiple sources of environmental change, including land take, excavation, drainage alteration, forestry felling, infrastructure installation, traffic and long-term operational effects.

These changes interact across topic areas. For example:

- forestry removal and ground disturbance interact with peat stability, hydrology and water quality;
- changes to drainage and runoff interact with private and public water supplies, aquatic ecology and downstream catchments;
- habitat loss, fragmentation and disturbance interact with species behaviour and cumulative ecological effects; and
- landscape change interacts with cultural heritage setting, visual amenity and night-time lighting impacts.

The EIA largely addresses these matters on a topic-by-topic basis. The assessment acknowledges that environmental factors interact; however, ACC contends that it fails to show a coordinated approach. It does not clearly demonstrate how these combined, cross-cutting effects were examined or how they will be resolved.

2.5 Proposed reliance on post-consent plans and adaptive management

Across multiple environmental topics, the Applicant proposes to rely on future plans and strategies to manage uncertainty. These include, but are not limited to:

- construction environmental management plans;
- habitat management and restoration plans;
- hydrological and drainage management plans;
- monitoring and adaptive management frameworks; and
- method statements to be agreed post-consent.

While such instruments can play a legitimate role in implementation, they cannot substitute for the examination and resolution of potentially significant environmental effects at application stage.

In this case, the Applicant proposes reliance on post-consent plans not only to manage detail, but to address fundamental questions regarding impact significance, effectiveness of mitigation and interaction between receptors. These questions have not been resolved through the application process.

2.6 Decision-stage adequacy of the environmental framework

Taken together, the matters set out above indicate that the environmental framework proposed by the Applicant does not provide a fully examined or resolved basis for decision-making in principle.

ACC considers that critical information is missing from the application. At present, the environmental baseline and the effectiveness of mitigation rely on future monitoring and management. The Applicant should have established these essential matters within the application materials themselves to ensure the project is truly decision-ready.

These are not matters of fine detail but go to whether the proposal is environmentally acceptable in its current form.

2.7 Implications for determination

ACC takes the view that the matters set out in this section demonstrate that the Applicant has not adequately examined or resolved key aspects of the environmental context and interaction between receptors at High Brenfield through the application process and will therefore remain unresolved at the point Ministers are asked to determine the application.

They are not capable of being adequately addressed through post-consent conditions, as they relate to the acceptability of the proposal in principle rather than to the refinement of mitigation or management detail.

In these circumstances, the environmental framework proposed by the Applicant does not provide the level of certainty required to support the grant of consent.

Section 3 – Water Environment, Hydrology and Peat

3.1 Purpose and scope of this section

This section addresses water-related impacts associated with the proposed High Brenfield Wind Farm. It focuses on public drinking water protection, private water supplies, and hydrological and peat-related pathways affecting water quality and quantity.

It considers whether these matters have been adequately examined and resolved through the application process, or whether they have instead been deferred to post-consent conditions notwithstanding the Applicant's FEI and correspondence with statutory consultees.

3.2 Public drinking water: Kilduskland Reservoir Drinking Water Protected Area (DWPA)

3.2.1 Scottish Water's position – clear and longstanding

Scottish Water's consultation response dated 8 September 2025 identifies a direct conflict between the proposed turbine layout and the Kilduskland Reservoir Drinking Water Protected Area, which supplies Ardrishaig Water Treatment Works and the public water supply serving Ardrishaig *(Scottish Water, 2025)*.

Scottish Water explains that the proposed activity lies partly within a designated Drinking Water Protected Area *(DWPA Regulations; SEPA Mapping)* and emphasises the need to protect both water quality and quantity.

Scottish Water further confirms that turbine infrastructure remains within the catchment and states:

"…we would still request that the turbines which lie within the source catchment boundaries are moved outwith this area (Turbines 1 & 2)."

Scottish Water also identifies a minimum 100 m buffer requirement between development and any watercourse.

Scottish Water highlights the intrinsic contamination risk associated with turbine infrastructure, noting that oils, hydraulic fluids and lubricants have the potential to contaminate the water environment and drinking water supply.

Taken together, these statements identify a clear and intrinsic risk arising from turbine siting within a protected public drinking water catchment.

3.2.2 Long-standing nature of this concern and Ministerial direction

Scottish Water has raised the issue of turbine infrastructure within the DWPA throughout pre-application and application consultation stages *(Scottish Water, 2025)*.

At scoping stage, Scottish Ministers specifically directed the Applicant to engage with Scottish Water on DWPA risks *(Scottish Ministers, Scoping Direction)*.

Scottish Water's 8 September 2025 response confirms that potential layout changes had been discussed, but that Scottish Water "would still request" relocation of Turbines 1 and 2 outwith the DWPA and associated buffer zones.

The continued presence of these turbines within the DWPA indicates that the Ministerial direction to engage has not resulted in resolution. The Applicant has neither relocated the turbines nor provided a reasoned justification for not doing so, instead proposing to manage risk through a Construction Method Statement, Pollution Prevention Plan and monitoring *(Applicant Documentation, EIAR/FEI)*.

3.2.3 What remains unresolved

Notwithstanding the Applicant's FEI and correspondence, the following matters remain unresolved:

- Turbines 1 and 2 remain within the Kilduskland Reservoir catchment, contrary to Scottish Water's explicit request for relocation *(Scottish Water, 2025)*.
- The Applicant has not demonstrated compliance with the 100 m minimum buffer expectation.
- No evidence has been provided to justify why avoidance through relocation is not feasible, nor how equivalent protection would be secured if turbines remain in-catchment.
- Scottish Water's request for DWPA-specific baseline monitoring, including PFAS determinands, has not been translated into a fixed pre-consent framework.

This is not a matter of detailed mitigation capable of being secured by condition or post-consent management plans, but a question of acceptability in principle arising from the siting and nature of the proposal.

3.3 Private water supplies (PWS)

3.3.1 Sensitivity of private water supplies

The application area and downstream catchments contain private water supplies serving rural properties. Such supplies are inherently more vulnerable than public supplies to short-term pollution events, sediment mobilisation and hydrological change *(EIAR, PWS Baseline)*.

In particular:

- private water supplies are frequently shallow or surface-influenced;
- treatment, if any, is limited; and
- there is little resilience to construction-related turbidity, sediment or chemical contamination.

Disruption or contamination can therefore have immediate and serious consequences for households.

3.3.2 Applicant's approach and remaining gaps

The Applicant's post-submission material does not appear to have identified or verified all private water supplies that the development could affect *(FEI, PWS)*.

Consequently:

- the EIA fails to provide the certainty required to protect these essential services *(EIAR, PWS Assessment)*;
- no catchment-scale assessment has been provided to demonstrate how peat disturbance, track construction, drainage and culverting could alter flow paths feeding private water supplies *(EIAR/FEI, Hydrology/Peat)*;
- the Applicant proposes to rely on outline mitigation measures and generic monitoring rather than demonstrating avoidance or securing robust alternative supplies in advance *(EIAR/FEI, PWS Mitigation)*; and
- no clear, enforceable triggers are identified for suspension of works or provision of alternative supplies in the event of degradation *(EIAR/FEI, PWS Monitoring Framework)*.

The risks to private water supplies are distinct from, and additional to, risks to the public supply and require explicit resolution rather than generic assurances.

3.4 Peat, hydrology and downstream water quality pathways

Peatland and hydrological processes are central to both DWPA and private water supply risk.

Key considerations include:

- disturbance of peat and modification of drainage can increase dissolved organic carbon, colouration and turbidity;
- these effects can extend beyond the immediate development footprint, particularly in small upland catchments; and
- increased sediment mobilisation during high-rainfall events presents disproportionate risks to both private water supplies and downstream treatment works.

The Applicant's FEI does not provide a catchment-scale hydrological assessment capable of demonstrating that these pathways are avoided or controlled with sufficient certainty *(FEI, Hydrology/Water Quality)*.

3.5 Evidence context: hydrological impacts and limits of mitigation by condition

A 2025 peer-reviewed international review synthesising 88 studies on onshore wind farm impacts identifies:

- increased turbidity, suspended sediment and dissolved organic carbon downstream of wind farm construction;
- hydrological impacts that persist beyond construction and extend outside site boundaries; and
- Environmental Impact Assessments that are frequently "incomplete and insufficient" in addressing these impacts *(Seifert et al., 2025)*.

The authors emphasise that avoidance and minimisation of hydrological impacts must be addressed at the planning and design stage, not deferred to later phases.

This evidence reinforces the need to resolve DWPA and private water supply risks prior to consent.

3.6 Policy context: mitigation hierarchy and early avoidance

Scottish Government *Planning Guidance: Biodiversity* sets out the mitigation hierarchy as:

"first avoid, then minimise, restore, and offset" *(Scottish Government, 2025)*.

The guidance highlights the importance of designing proposals with environmental constraints in mind from the outset.

Where Scottish Water has identified a requirement to relocate turbines outwith a Drinking Water Protected Area, that is an avoidance measure that must be addressed at the design stage rather than deferred to post-consent conditions *(Scottish Water, 2025)*.

3.7 Implications for determination

Three core water-related issues remain unresolved. The first is determinative in its own right. Taken together, they go to the acceptability of the proposal in principle and are not capable of being cured through post-consent conditions.

3.7.1 Turbines sited within a protected public drinking water catchment

Scottish Water has consistently required that Turbines 1 and 2 be relocated outwith the Kildusklan Reservoir DWPA *(Scottish Water, 2025)*. The Applicant has not demonstrated compliance or provided a substantiated justification for non-avoidance.

Granting consent would therefore approve turbine infrastructure within a protected public water catchment, contrary to Scottish Water's advice.

3.7.2 No resolved protection for private water supplies

The Applicant has not demonstrated that all private water supplies potentially affected by peat disturbance, drainage modification and sediment mobilisation have been identified, assessed and protected *(EIAR/FEI, PWS Assessment)*.

Reliance on monitoring and contingency measures after impacts occur does not provide adequate assurance that private water supplies will not be compromised.

3.7.3 Catchment-scale hydrological effects remain unresolved

The Applicant has not provided a catchment-scale hydrological assessment capable of demonstrating that peat disturbance and drainage alteration will not adversely affect downstream water quality *(FEI, Hydrology/Water Quality)*.

Ministers are therefore being asked to determine the application without resolved evidence on hydrological effects relevant to both public and private water supplies.

These matters remain unresolved at the point of determination.

Section 4 – Ecology and Biodiversity

4.1 Purpose and scope of this section

This section addresses ecology and biodiversity impacts associated with the proposed High Brenfield Wind Farm. It considers whether the Applicant's EIA, as supplemented by FEI, has adequately examined and resolved ecological impacts prior to consent, or whether decision-critical matters have instead been deferred to post-consent plans, surveys and adaptive management.

The section focuses on the adequacy of the ecological assessment framework, the treatment of uncertainty, the application of the mitigation hierarchy, and the implications of relying on post-consent measures for receptors whose sensitivity requires resolution at application stage.

4.2 Baseline concern: approach to ecological assessment

A central concern raised by ACC in August 2025, and which remains unresolved, relates to the Applicant's overall approach to ecological assessment and decision-making *(ACC, 2025)*.

That concern is not confined to individual receptors, but to methodology, namely that:

- the Applicant scoped out ecological risks at an early stage on the basis of limited, time-expired or incomplete baseline data;
- in its site design, the Applicant did not demonstrably prioritise avoidance of sensitive habitats, particularly ancient woodland and associated ecological corridors;
- the Applicant has treated uncertainty as acceptable on the assumption that impacts could be addressed later through post-consent plans and conditions.

The Applicant's FEI and responses to consultees do not, in ACC's opinion, correct this underlying flaw. Instead, they continue to accept uncertainty at consent stage, proposing that its implications be managed after approval rather than resolved beforehand.

4.3 NatureScot consultation response: conditional acceptance, not resolution

NatureScot's consultation response of 13 October 2025 does not conclude that biodiversity impacts have been avoided or that they are acceptable in principle *(NatureScot, 2025)*.

Instead, NatureScot's position is explicitly conditional. It is based on the expectation that a series of procedural controls would be put in place, including:

- appointment of an Ecological Clerk of Works;
- preparation of method statements;
- pre-construction surveys and checks;
- monitoring and adaptive management during construction and operation.

In other words, NatureScot does not state that ecological impacts are resolved at application stage. Its response assumes that key matters would be controlled and managed later, through post-consent processes.

The Applicant's response to NatureScot accepts these procedural requirements but does not address the more fundamental question of whether the impacts themselves are acceptable in principle *(Applicant Response to NatureScot)*. Nor does it demonstrate that avoidance of ecological harm has been maximised through design.

NatureScot's position therefore reinforces, rather than resolves, the concern that decision-critical ecological issues are being deferred beyond the point at which consent is sought.

4.4 Policy and evidence context

Scottish Government *Planning Guidance: Biodiversity* is clear that the mitigation hierarchy must be applied sequentially, with avoidance as the first step *(Scottish Government, 2025)*. The guidance emphasises that:

- retaining existing habitats, including soils, is generally preferable to replacement or compensation;
- proposals should be designed with biodiversity constraints in mind from the outset;
- planning conditions should not be used to compensate for an inadequate evidence base at the point of decision.

This policy position is reinforced by 2025 peer-reviewed, international review synthesising evidence from 88 studies of onshore wind farms *(Seifert et al., 2025)*. The review finds that:

- vegetation loss, soil disturbance and habitat fragmentation are among the most persistent ecosystem impacts;
- restoration is frequently assumed rather than evidenced;
- Environmental Impact Assessments commonly underestimate long-term ecosystem degradation.

Taken together, this policy and evidence base makes clear that ecological impacts should be avoided or resolved through design and assessment before consent is granted. It does not support an approach in which uncertainty is accepted at decision stage on the assumption that impacts can be addressed later through mitigation, monitoring or adaptive management.

4.5 Woodland as habitat: loss, fragmentation and irreplaceability

Woodland within and adjacent to the site, including areas recorded on the Ancient Woodland Inventory within the Attichuan Forest, functions as habitat, ecological corridor and landscape-scale ecological resource.

Concerns raised include:

- permanent loss and fragmentation of ancient and long-established woodland habitat;
- failure to demonstrate that woodland impacts have been avoided through site design;
- reliance on compensatory planting and woodland management to address impacts on irreplaceable habitats, including ancient soils and ecological continuity;
- reduction of woodland impacts to tree numbers and categories, rather than assessment of habitat function, edge effects and permanence.

4.6 Avoidance and alternatives: access route through ancient woodland (determinative issue)

A specific and unresolved issue concerns the alignment of the access route through areas of ancient woodland.

The Applicant has not provided a clear appraisal of reasonable alternatives demonstrating why this alignment is unavoidable rather than a consequence of design choice. Neither the FEI nor subsequent responses explain why alternative routes avoiding ancient woodland have been discounted, nor why avoidance has not been prioritised.

The Applicant is therefore asking Ministers to accept permanent loss of irreplaceable habitat by default, rather than on the basis of demonstrated necessity. This is a design and avoidance issue, not one capable of resolution through mitigation or post-consent management.

4.7 Bats and protected species

The bat survey undertaken for the project and submitted as part of the FEI records activity and species presence that the Applicant previously scoped out or downplayed. This more recent survey work identifies:

- higher activity levels at specific locations and seasons than previously assumed;
- medium and high activity events for soprano pipistrelle;
- recordings of *Nyctalus* species group calls;
- an increased overall risk classification for soprano pipistrelle.

Despite this, the Applicant maintains that impacts are low at site level and proposes to manage residual risk through a post-consent Bat Mitigation Plan.

In taking this approach, the Applicant does not revisit acceptability in principle in light of new evidence. Instead, it proposes to manage uncertainty after consent has been granted, rather than resolving whether impacts are acceptable before a decision is taken.

4.8 Interaction with other environmental pressures, including lighting

Ecological impacts at High Brenfield do not arise in isolation. Habitat loss, fragmentation, turbine operation, access routes and construction activity interact with other pressures, including artificial lighting.

Artificial lighting is a well-established ecological stressor for nocturnal species, particularly bats, affecting foraging behaviour, commuting routes and habitat use. These effects are of particular relevance in wooded and edge habitats.

While detailed consideration of lighting design is addressed in the Night-time Lighting section, the Applicant has failed to examine ecological implications of increased artificial lighting in a systematic or integrated way at application stage. These implications therefore remain unassessed at the point consent is sought.

4.9 Proposed reliance on post-consent ecological plans

Across ecology and biodiversity, the Applicant proposes to rely on post-consent plans, including habitat management plans, species mitigation plans and monitoring frameworks.

These plans are proposed not simply to manage construction detail, but to address matters that should have been examined and resolved prior to consent, including the significance of impacts, the effectiveness of mitigation and the response of sensitive species to the development.

This approach shifts work that the Applicant should have undertaken as part of the application and Environmental Impact Assessment into the post-consent phase. That is inconsistent with established guidance and best practice, which require decision-makers to have sufficient certainty about environmental effects before consent is granted.

The Applicant's reliance on post-consent ecological plans in this context therefore represents a deferral of assessment rather than an appropriate use of planning conditions.

4.10 Implications for determination

The matters set out in this section demonstrate that the Applicant has not adequately managed and resolved ecological and biodiversity impacts through the application process. The Applicant has failed to resolve areas of uncertainty at consent stage, has not demonstrably prioritised avoidance and proposes to rely on post-consent plans to address impacts that go to the acceptability of the proposal in principle.

These matters, which the Applicant has not resolved during the application stage, will remain unresolved at the point Ministers are asked to determine the application.

In these circumstances, ACC considers that the ecological and biodiversity impacts are not capable of being adequately addressed through planning conditions and weigh against the grant of consent.

Section 5 – Forestry, Peat and Land Use

5.1 Purpose and scope of this section

This section addresses the effects of the proposed development on forestry, peat, soils and land use, including disturbance of carbon-rich soils, loss and fragmentation of woodland, and reliance on post-impact restoration measures. These matters are closely linked to biodiversity and water but raise distinct issues of land integrity, carbon balance and long-term ecosystem function.

Notwithstanding the Applicant's Additional FEI, the Applicant has not resolved fundamental concerns raised in ACC's August 2025 representation *(ACC, 2025)* and by statutory consultees. Recent peer-reviewed scientific evidence further materially undermines the Applicant's reliance on restoration and post-consent management plans as mitigation *(Seifert et al., 2025)*.

5.2 ACC's August 2025 concerns (baseline)

In its August 2025 representation, ACC raised concerns that the application:

- underestimates the extent and significance of peat and soil disturbance associated with turbine foundations, tracks, borrow pits and drainage;
- treats woodland loss and fragmentation as temporary or compensatable, including areas of long-established or semi-natural woodland;
- relies heavily on outline Peat Management Plans and Habitat Management Plans, rather than demonstrating avoidance and minimisation at design stage;
- assumes that restoration can return disturbed peatland and woodland to pre-development ecological and carbon function, without evidencing timescales or likelihood of success.

These issues go beyond mitigation detail and relate to the acceptability of the proposal in principle, particularly in a landscape characterised by carbon-rich soils and sensitive habitats.

5.3 Treatment of forestry and peat in the Additional FEI

The Additional FEI provides further description of peat handling, forestry removal and restoration intent, but does not materially alter the Applicant's underlying approach. In particular:

- the Applicant acknowledges disturbance of peat and soils but frames it as manageable through best practice;
- the Applicant proposes that woodland loss is offset through proposed planting or habitat management, without demonstrating equivalence of ecological function;
- the Applicant assumes, rather than evidences, restoration;
- the Applicant proposes that key matters are deferred to post-consent plans, to be agreed after consent is granted.

The Applicant's approach continues to prioritise mitigation after disturbance, rather than avoidance and minimisation, contrary to current Scottish Government policy direction *(Scottish Government, 2025)*.

5.4 Peat, soils and carbon balance: long-term impacts and limits of restoration

Peat disturbance and sustained carbon loss

The carbon balance of wind farm development on peat and carbon-rich soils is highly sensitive to site conditions, design choices and the extent of disturbance to peat hydrology. Peer-reviewed synthesis evidence and Scottish Government carbon accounting guidance confirm that excavation, drainage, track construction and associated changes to peat structure can result in sustained greenhouse gas emissions over long timescales *(Seifert et al., 2025; Scottish Government, 2008)*.

While many wind farm developments achieve net carbon savings over their operational lifetime, this outcome is not guaranteed. Scottish Government methodology explicitly recognises that carbon payback periods vary widely depending on peat depth and condition, the degree of hydrological disruption and the effectiveness of restoration measures *(Scottish Government, 2008)*. In some configurations, particularly where intact or lightly degraded peatlands are disturbed, carbon payback periods may extend for several decades and, in certain circumstances, projected savings may not be realised within the operational life of the development *(Smith et al., 2014)*.

Recent peer-reviewed synthesis work highlights that post-construction restoration outcomes are frequently assumed rather than demonstrated, and that long-term ecological and biogeochemical recovery of disturbed peat systems remains uncertain *(Seifert et al., 2025)*. Evidence indicates that changes to drainage patterns and peat oxidation can continue to generate emissions well beyond the construction phase, and that restoration success is highly variable and dependent on site-specific factors.

Accordingly, the potential for wind farm development on peatlands to deliver net carbon benefits cannot be assessed in abstract or on the basis of generic assumptions. It requires a robust, site-specific evaluation of peat depth, condition and hydrology, together with a precautionary approach to carbon accounting that does not rely on optimistic restoration outcomes. Where such matters remain unresolved or are deferred to post-consent management plans, there is a risk that projected carbon benefits may be overstated.

Taken together, this evidence directly challenges the Applicant's reliance on restoration-based mitigation and associated carbon neutrality claims.

5.5 Peat disturbance, slope instability and landslip risk

In addition to carbon impacts, recent synthesis evidence identifies peat instability and mass movement as recurring risks associated with wind farm construction on peatland *(Seifert et al., 2025)*.

The international review by Seifert et al. (2025), analysing 88 peer-reviewed studies, states:

"Peatlands, when drained for safer wind turbine placement, pose a significant risk of carbon loss through erosion …"

and further notes:

“The construction of access roads for wind power plants can trigger peat slides, contributing to further soil loss …”

The review highlights that restoration measures often address surface conditions but do not reinstate original soil structure or hydrological function, leaving residual risks of instability.

These findings are particularly material at High Brenfield, given the site’s elevated position on sloping ground above Ardrishaig and Inverneill. Disturbance of peat and soils in this location raises not only ecological and carbon concerns but also downslope risk, including mobilisation of peat and sediment, altered drainage pathways and increased risk of slope failure towards settlements during periods of intense rainfall.

Such risks cannot be addressed through monitoring alone and require avoidance-first siting and design, including track alignment, drainage design and construction sequencing.

5.6 Restoration feasibility and recovery timescales

Seifert et al. (2025) caution against over-reliance on restoration as a substitute for avoidance, particularly in upland contexts. The review notes:

“In high-latitude or high-altitude regions, recovery may take decades to centuries, and in some cases ecosystems may never fully return to pre-disturbance conditions.”

The authors also emphasise the governance implications:

“Avoiding or minimizing impacts prior to construction requires translating existing knowledge into actionable guidance and siting tools that can restrict development in sensitive areas.”

This evidence directly contradicts the Applicant’s approach, which accepts peat and woodland disturbance as inevitable and relies on post-consent plans to manage consequences.

5.7 Forestry, woodland loss and fragmentation

Woodland loss is not equivalent to replacement planting

The Applicant’s proposal involves removal and fragmentation of woodland to accommodate turbines, access tracks and associated infrastructure. It does not adequately address woodland impacts through replacement planting proposals, because mature and semi-natural woodland provides ecological functions that cannot be recreated within any reasonable timescale, including:

- complex soil structure and fungal networks;
- microclimate regulation;
- habitat connectivity and species assemblages.

Ancient and long-established woodland

ACC’s August representation raised specific concerns regarding ancient woodland and ancient soils, emphasising that:

- ancient woodland is defined by continuity of ecological processes, not simply tree cover

- undisturbed soils form part of the resource itself;
- once disturbed, ancient woodland soils cannot be restored.

The compensatory planting or habitat management proposed by the Applicant does not provide equivalence for ancient or long-established woodland loss and cannot be relied upon as mitigation.

Fragmentation and cumulative effects

Woodland fragmentation effects extend beyond the footprint of felling through edge effects, altered microclimate and disruption to species movement. These impacts accumulate alongside other infrastructure and habitat pressures and must be considered as part of the overall ecological and landscape change.

5.8 Policy context: Scottish Government biodiversity guidance

Scottish Government biodiversity planning guidance emphasises that development proposals must apply the mitigation hierarchy and secure outcomes with reasonable certainty *(Scottish Government, 2025)*. It states that biodiversity enhancements should be delivered:

"within a reasonable timescale and with reasonable certainty, taking into account any risks or uncertainty in achieving this."

It further requires that:

"any potential adverse impacts, including cumulative impacts, will be minimised through careful planning and design."

An approach that defers key design and mitigation decisions to post-consent plans does not meet these requirements, particularly where peat and woodland recovery may take decades and restoration success is uncertain.

5.9 Proposed reliance on post-consent plans

Across forestry, peat and soils, the Applicant proposes to rely heavily on post-consent plans. This does not provide Ministers with the certainty required at decision stage because it proposes that:

- disturbance is accepted as a given rather than avoided through design;
- critical decisions are deferred until after consent.

Restoration success cannot be guaranteed, and long-term impacts risk being locked in and are difficult or impossible to reverse. These are matters of acceptability in principle, not issues capable of being resolved by conditions alone.

5.10 Implications for determination

The evidence set out in this section demonstrates that the Applicant has not sufficiently resolved forestry, peat and land-use impacts for Ministers to conclude that the proposal is acceptable in principle.

Peer-reviewed research shows that peat disturbance can result in sustained net carbon emissions and undermine claimed climate benefits *(Smith et al., 2014; Seifert et al., 2025)*. Evidence also identifies a risk of peat instability and mass movement associated with access road construction, a matter of particular concern given the site's position above Ardrishaig and Inverneill.

Restoration outcomes are uncertain, may take decades to centuries, and cannot be assumed to reinstate pre-development ecological or carbon function. Woodland and ancient woodland loss is not meaningfully compensatable through planting within any reasonable timescale.

Scottish Government biodiversity guidance requires avoidance-first design and reasonable certainty at decision stage *(Scottish Government, 2025)*. These requirements are not met where key matters are deferred to post-consent plans.

Section 6 – Landscape and Visual Impact

Matters which ACC submits remain unresolved following the Applicant's Additional Further Environmental Information

6.1 Purpose and context

This section explains why the landscape and visual concerns raised by ACC in its August 2025 representation *(ACC, 2025)* remain unresolved, and why those concerns are independently corroborated by statutory consultees, in particular Historic Environment Scotland (HES) and NatureScot.

These concerns do not relate to minor deficiencies in assessment technique or matters capable of resolution through additional visualisations or narrative refinement. They go to the fundamental effect of the proposal on landscape character, visual amenity, heritage setting and the perception of place, and therefore to the suitability of the High Brenfield site for development at the proposed scale. This includes effects on the Special Landscape Qualities (SLQs) of the Knapdale National Scenic Area, and on the setting of designated cultural heritage assets as identified by HES.

They are also the same considerations that underpinned earlier refusals of wind farm proposals at High Brenfield, where decision-makers concluded that development was unacceptable in this location due to landscape, visual and cumulative effects. The Applicant's Additional FEI does not, and cannot, alter those underlying characteristics.

6.2 ACC August 2025 position (baseline)

In Section 8 of its August 2025 representation, ACC identified that the Landscape and Visual Impact Assessment:

- understates the scale and prominence of turbines in relation to the Loch Fyne coastal and settlement context;
- relies on selective viewpoints and an optimistic interpretation of visibility;
- underplays cumulative effects in an area already subject to significant wind energy development; and
- treats landscape sensitivity and capacity as technical thresholds rather than experiential and perceptual limits.

ACC concluded that these effects would result in a material and irreversible change to the character and experience of the area, and that such change is not capable of mitigation post-consent.

6.3 Historic Environment Scotland: unacceptable change to setting and appreciation

6.3.1 Nature of HES's concerns

In its September 2025 consultation response, HES stated *(HES, 2025a)*:

"Based on the information supplied within the EIA report there is the potential for significant adverse impacts on a number of assets in our remit. There is currently insufficient information provided within the EIA report, and we are unable to reach a view on the potential impacts of the proposed development including any mitigation measures which may be required to reduce significant impacts."

HES therefore confirmed that it was unable to advise Ministers on acceptability and formally objected to the application:

"We therefore object to the proposed application until sufficient information is provided to allow us to properly assess and understand the potential effects of the proposals."

HES's concern is explicitly focused on effects on setting and appreciation, rather than abstract compliance with assessment methodology.

6.3.2 HES rejection of the Applicant's assessment approach

In its subsequent October 2025 response *(HES, 2025b)*, HES made clear that the Applicant's approach did not reflect its advice, stating:

"Our response does not suggest that the assets should be assessed as a single receptor. This approach has no basis in policy, guidance or practice."

HES further noted:

"The way in which the assessment has been carried out appears to be based on a misunderstanding of our comments rather than a means of assessing the impacts on the setting of scheduled monuments."

HES concluded:

"We therefore maintain our objection to the proposed application until further visualisations and assessment is provided to enable a full understanding of the potential impacts of the proposals."

This confirms a continuing and unresolved objection grounded in professional judgement about setting and significance, rather than in requests for cosmetic clarification.

6.4 NatureScot: landscape character, cumulative change and sensitivity

6.4.1 NatureScot's assessment of landscape and visual effects

In its October 2025 consultation response, NatureScot stated *(NatureScot, 2025)*:

"While we broadly agree with some of the effects reported we consider that the applicant notably underplays and underestimates the susceptibility of some receptors to development of this nature and in turn some landscape and visual effects."

NatureScot further stated:

"We disagree that there would be no significant adverse effects on the Knapdale NSA."

It also identified deficiencies in the treatment of landscape character:

"We consider that the applicant underplays the susceptibility of some landscape character types, in turn sensitivity, and there is a lack of consideration of key landscape characteristics for LCTs that would be affected by the proposals which are a notable omission from the LVIA."

These statements demonstrate NatureScot's professional view that the Applicant has understated both the sensitivity of the receiving environment and the magnitude of predicted effects.

6.4.2 Understatement of visual magnitude and night-time effects

NatureScot explicitly challenged the Applicant's conclusions on visual magnitude:

"Given the high sensitivity and accounting for the vertical height of the proposed development we consider that the magnitude of visual change would be higher and in turn the significance of visual effects… would be greater than reported."

NatureScot also rejected the Applicant's approach to night-time sensitivity:

"We disagree with the applicant's approach that visual susceptibility and sensitivity would decrease at night… we consider that the high sensitivity of visual receptors would remain during night-time hours."

These statements demonstrate NatureScot's professional view that the Applicant has systematically understated landscape and visual effects, including cumulative and night-time impacts.

6.5 The Applicant's response: rejection of statutory consultees' judgement

In responding to NatureScot, the Applicant explicitly frames the issue as one of competing judgement, stating:

"The purpose of this response is to set out the reasons why a different judgement on the effects on the SLQs of Knapdale NSA has been arrived at…"

The Applicant further asserts:

"The Applicant's conclusion is that none of the SLQs would experience a significant effect… all of the special qualities ascribed to the Knapdale NSA would remain well expressed."

And argues:

"Even if there is a significant effect to one or more of the SLQs (as NatureScot suggest) it does not follow that the objectives of the designation and its overall integrity would necessarily be compromised."

This reflects a conscious decision by the Applicant to reject the professional judgement of statutory advisers on matters of landscape character, heritage setting, cumulative change and night-time effects. This is not a disagreement about detail, but about the significance of effects.

6.6 Why these issues cannot be resolved by Additional FEI or conditions

Landscape and visual impacts are immediate upon construction, largely irreversible, and not susceptible to meaningful post-consent mitigation. There is no mechanism by which turbine height, blade movement, skyline intrusion or cumulative perceptual change can be remedied once consent is granted.

Additional FEI cannot alter the physical scale of the proposal, and conditions cannot undo the resulting transformation of landscape character and setting.

6.7 Implications for determination

The matters set out above demonstrate that ACC's August 2025 landscape and visual concerns are independently corroborated by both Historic Environment Scotland and NatureScot. Both statutory consultees raise concerns that go to acceptability in principle, rather than to missing information capable of being supplied later.

The Applicant's responses amount to an explicit assertion that its own judgement should prevail over that of statutory advisers on matters of landscape character, heritage setting, cumulative change and night-time effects.

Ministers are therefore not being asked whether further assessment could be undertaken, but whether the High Brenfield site is suitable for development of this nature and scale at all. Consistent with earlier refusals at this site, unresolved landscape and visual impacts remain determinative and must be given decisive weight in determining the application. This is not a matter of detailed mitigation capable of being secured by condition, but a question of acceptability in principle arising from the siting and nature of the proposal.

ACC further notes that the Applicant's landscape and visual assessment has not adequately addressed the effects of night-time aviation lighting. Given the distinct visual, ecological and residential impacts associated with artificial lighting at night, this matter is addressed separately in the Night-time Lighting section.

Section 7 – Night-time Lighting and Light Pollution

7.1 Purpose and scope of this section

This section addresses the effects of night-time aviation lighting and associated light pollution arising from the proposed High Brenfield Wind Farm. While the Applicant acknowledges aviation lighting within the application as a regulatory requirement, it has not assessed the environmental, landscape and residential effects in sufficient detail within the EIA or the Applicant's FEI.

Night-time lighting constitutes a distinct and material impact pathway. Its effects extend beyond visual change to include continuous behavioural and ecological responses once the development becomes operational. These effects are therefore relevant to landscape character, residential amenity, biodiversity and cumulative change *(Gaston et al., 2018; Heinen, 2025)*.

7.2 Treatment of night-time lighting within the application

The Applicant's EIA and FEI acknowledge that aviation lighting will be required but treat this primarily as a matter of regulatory compliance rather than as a source of environmental impact requiring assessment.

In particular, the Applicant does not provide:

- a baseline description of existing night-time conditions;
- a quantitative assessment of light intensity, spread or visibility range *(Bará & Lima, 2024)*;
- an assessment of cumulative night-time lighting effects with existing or consented development;
- an assessment of impacts on residential night-time amenity, tranquillity or sense of place; or
- a targeted ecological assessment of lighting effects beyond generalised statements *(Heinen, 2025; Spoelstra et al., 2015)*.

Instead, the Applicant relies on standard aviation requirements, with mitigation options such as reduced-intensity or demand-activated lighting described as potential rather than secured. This leaves Ministers without a decision-stage understanding of the scale, extent or significance of night-time lighting effects.

7.3 Visual and residential impacts at night

Night-time aviation lighting introduces a qualitatively different form of visual impact from daytime turbine visibility. Aviation warning lights operate as bright point sources that draw attention irrespective of landform, screening or background context and can be visible over wide areas *(Bará & Lima, 2024)*.

The Applicant's limited assessment does not examine how night-time lighting would alter perceptions of landscape character, settlement setting or tranquillity during hours of darkness, particularly in an area characterised by low existing light levels and dark skies.

Aviation lights would be visible year-round and for extended periods during winter months. The absence of night-time visualisations or lighting simulations prevents affected communities, statutory consultees and decision-makers from understanding how these effects would be experienced in practice.

7.4 Cumulative night-time effects

The application does not assess cumulative night-time lighting effects arising from the proposal in combination with existing or consented wind energy developments.

Night-time effects are cumulative by nature, as individual light sources combine to alter overall darkness, sky glow and perception of place *(Nilsson et al., 2023)*. This omission is particularly significant in a landscape already subject to multiple wind energy developments.

7.5 Ecological effects of artificial light at night

Artificial light at night is increasingly recognised as a significant ecological pressure, affecting behaviour, movement, foraging, reproduction and predator–prey interactions across a wide range of taxa *(Gaston et al., 2018; Heinen, 2025; Spoelstra et al., 2015)*.

The Applicant's ecological assessment does not provide a targeted evaluation of lighting effects on nocturnal species. Instead, it relies on generic statements and assumptions that impacts would be negligible or capable of management through future measures. This does not reflect current scientific understanding of light pollution as a chronic and spatially extensive stressor *(Voigt et al., 2024)*.

7.6 Proposed reliance on post-consent controls

The Applicant proposes to rely on post-consent conditions and potential future technologies, such as adaptive or reduced-intensity lighting, to manage night-time effects.

However, the Applicant makes no commitment at consent stage to specific lighting specifications or to the implementation of demand-activated or radar-controlled lighting. Ministers are therefore asked to grant consent without certainty as to the nature or extent of night-time lighting effects.

Given that aviation lighting would operate continuously once installed, and that its effects are immediate and irreversible, the Applicant's proposed reliance on post-consent controls does not provide an adequate basis for decision-making. This is not a matter of detailed mitigation capable of being secured by condition, but a question of acceptability in principle arising from the siting and nature of the proposal.

7.7 Implications for determination

The matters set out above demonstrate that the Applicant has not examined or resolved night-time lighting effects through the application process.

These effects are distinct from daytime landscape and visual impacts and give rise to additional concerns in relation to landscape character, residential amenity, biodiversity and cumulative change. They are intrinsic to the proposal and are not capable of being adequately addressed through post-consent conditions *(Scottish Government, 2025)*.

Section 8 – Noise

Matters which ACC submits remain unresolved following the Applicant's Additional Further Environmental Information

8.1 ACC's August 2025 position and why it remains live

In Section 7 of its August 2025 representation, ACC raised concerns that the Applicant's operational noise assessment is not decision-ready for a development of this scale and operational duration *(ACC, 2025)*. Those concerns were not confined to predicted compliance with numerical limits, but related to the assessment framework, underlying assumptions and the long-term adequacy of the approach being proposed.

ACC's position is that the noise assessment relies on a legacy methodology, applies it narrowly, and then proposes to manage residual uncertainty through post-consent procedures. ACC submits that this approach is insufficient where communities may be exposed to turbine noise for several decades over the lifetime of the development and where opportunities for effective mitigation become increasingly constrained once consent is granted.

These concerns remain live following submission of the Applicant's Additional FEI.

8.2 Core deficiencies in the noise assessment

ACC's August 2025 representation identified a series of interrelated deficiencies which, taken together, mean that Ministers are not in a position to conclude that operational noise impacts have been robustly assessed or can be effectively controlled over the lifetime of the development.

First, the Applicant's assessment does not engage with the current direction of policy and professional understanding on wind turbine noise. It does not reflect the findings of the 2023 independent scoping review into wind turbine noise methodology *(DESNZ Scoping Review, 2023)*, nor does it engage with the UK Government's July 2025 consultation on updated guidance for the assessment and rating of wind turbine noise *(UK Government, 2025)*.

Secondly, the Applicant has not tested operational noise against post-ETSU or alternative assessment expectations, notwithstanding that such approaches have been publicly available since 2023 *(IOA AMWG, 2016/2017; DECC, 2013; Hayes McKenzie, 2015)*. The Applicant has therefore assessed acceptability solely against a framework developed in the mid-1990s *(ETSU-R-97)*, without examining whether predicted impacts would remain acceptable under emerging standards.

Thirdly, the assessment omits meaningful consideration of amplitude modulation and tonal characteristics. There is no frequency-specific (spectral) analysis, no modelling of modulation risk, and no commitment to apply penalties or site-specific thresholds should such characteristics arise. This is despite amplitude modulation being widely recognised as a principal driver of wind turbine noise disturbance *(IOA AMWG, 2016/2017)*.

Fourthly, the Applicant has not undertaken noise modelling on a receptor-specific basis for individual residential properties in Ardrishaig, Inverneill or loch-side locations. Nor has it

assessed the influence of complex terrain and atmospheric conditions, such as valley channelling, temperature inversions or sound propagation across water.

Finally, the Applicant does not set out a robust monitoring or enforcement framework. There is no clear long-term monitoring strategy, no transparent reporting regime, no defined complaints process, and no enforceable, site-specific operational limits capable of responding to emerging impacts.

Taken together, these omissions point to an assessment that lacks resilience to foreseeable change over the operational life of the development.

8.3 Policy context: the direction of travel on wind turbine noise

Since ACC submitted its August representation, the policy context has continued to evolve in a manner that reinforces these concerns.

In July 2025, the UK Government published for consultation draft *Updated Guidance for the Assessment and Rating of Wind Turbine Noise*, explicitly recognising that the long-standing ETSU-R-97 framework does not fully reflect current evidence or practice *(UK Government, 2025)*. The draft guidance is underpinned by a 2023 independent scoping review, which recommended revisions to noise limits and assessment approaches, including the treatment of amplitude modulation *(DESNZ Scoping Review, 2023)*.

Professional bodies responding to the consultation, including the Institute of Acoustics and the Chartered Institute of Environmental Health, emphasised that updated guidance must remain evidence-based and protective of residential amenity *(IOA & CIEH, 2025)*. This reinforces that wind turbine noise control is an evolving field rather than a settled one.

ACC submits that consenting a development with an operational life measured in decades on the basis of a narrowly applied, legacy framework risks locking communities into obsolete protections.

8.4 Infrasound and low-frequency noise: issue remains unaddressed

ACC's August 2025 representation highlighted that the Applicant did not appear to have assessed infrasound or low-frequency noise (LFN), despite these being recognised components of wind turbine acoustic emissions. The Additional FEI does not provide evidence that such assessment has since been undertaken.

Peer-reviewed research confirms that wind turbines generate measurable infrasound and LFN, that these components propagate differently from mid-frequency audible noise, and that they can contribute to perceptual effects even when not consciously audible *(Hansen et al., 2017; Zajamšek et al., 2021)*. Physiological responses to low-frequency stimuli have also been demonstrated *(Salt & Hullar, 2010)*, and large-scale research has identified potential links with annoyance and sleep disturbance *(Health Canada, 2014)*.

The UK Government's 2023 independent scoping review identified low-frequency noise as an area where ETSU-R-97 does not reflect current evidence *(DESNZ Scoping Review, 2023)*. The Institute of Acoustics' AM Working Group similarly noted the need for improved characterisation of low-frequency components *(IOA AMWG, 2016/2017)*.

Despite this, the Applicant's EIA and FEI do not appear to include:

- spectral analysis of turbine noise;
- modelling of low-frequency propagation across complex terrain or water;
- assessment of potential perceptibility at residential receptors; or
- proposals for long-term monitoring or enforceable low-frequency limits.

Given the site's topography and proximity to Ardrishaig, Inverneill and loch-side properties, the absence of any presented infrasound or LFN assessment remains a material gap.

8.5 Recent scientific evidence on noise annoyance

Recent scientific evidence further supports ACC's position that the current assessment framework is incomplete. A 2025 interdisciplinary three-year field study of wind turbine noise annoyance *(Müller et al., 2025)* found that annoyance is not adequately explained by average A-weighted sound levels alone, and is strongly influenced by amplitude modulation and other temporal and spectral characteristics of turbine noise.

ACC does not invite Ministers to adjudicate on disputed health claims. The planning relevance is narrower: where contemporary research demonstrates that disturbance is linked to characteristics not tested by the Applicant's assessment, the absence of such analysis represents a material evidential gap.

8.6 Conditions and post-consent controls: why the Applicant's approach provides no reassurance

ACC recognises that ETSU-style conditions can provide a procedural framework for investigating complaints. However, the Applicant has chosen not to engage substantively with noise concerns at the pre-consent stage, instead proposing to defer meaningful analysis to a point when options for change are constrained and impacts may already be occurring.

In particular:

- the Applicant has declined to undertake additional modelling of amplitude modulation, tonal characteristics, receptor-specific impacts or complex propagation scenarios;
- has not tested the proposal against emerging post-ETSU expectations; and
- proposes reliance on post-consent, complaint-led investigation supported by standard conditions.
- This approach places the burden on affected communities to experience disturbance, initiate complaints, and endure potentially prolonged investigative processes before mitigation is considered. Once consent is granted, the scope for effective mitigation is inherently limited.

8.7 Implications for determination

- ACC submits that the Applicant has chosen not to engage meaningfully with noise concerns at the pre-consent stage, relying instead on a legacy assessment framework and post-consent procedures that provide limited reassurance to affected communities.

- The operational noise assessment remains inadequate because it lacks receptor-specific and context-sensitive modelling, omits known disturbance mechanisms, and defers resolution of uncertainty until after consent is granted.
- Recent policy developments and scientific evidence reinforce that wind turbine noise assessment is an evolving field. The UK Government's July 2025 draft guidance *(UK Government, 2025)*, professional responses from the acoustics community *(IOA & CIEH, 2025)*, and contemporary research on noise annoyance *(Müller et al., 2025)* all point to limitations in narrowly applied ETSU-based approaches.
- ACC submits that these matters go to the acceptability of the proposal in principle, and that Ministers should not grant consent unless and until the Applicant has provided a revised, decision-ready noise assessment and enforceable long-term monitoring and mitigation framework.

Section 9 – Traffic and Transport

Matters that ACC submits remain unresolved following the Applicant's Additional FEI

9.1 Purpose and scope of this section

This section addresses traffic, transport and access impacts associated with the proposed High Brenfield Wind Farm, with particular reference to construction traffic, abnormal load delivery, access arrangements to the trunk road network, and cumulative effects on the A83(T).

It considers whether the Applicant's assessment, and the position taken by statutory consultees, provide Ministers with a robust and decision-ready basis for concluding that transport impacts are acceptable in principle, given that the application has now reached the decision stage.

9.2 Statutory consultee position

Transport Scotland, in its July 2025 consultation response, reviewed the Transport and Access section of the Environmental Impact Assessment Report (EIAR), together with associated technical appendices, including the Abnormal Loads Assessment and the Outline Construction Traffic Management Plan (CTMP) *(Transport Scotland, 2025)*.

Transport Scotland confirmed that, at the time of its response, it did not object to the proposal in principle, subject to the application of appropriate conditions to any consent that might be granted.

That position is explicitly contingent on a substantial suite of pre-commencement approvals, post-consent plans, and further design, audit and agreement processes. Those matters were not resolved during the application process and will therefore remain unresolved at the point Ministers are asked to determine the application.

9.3 Construction traffic effects on the A83(T)

9.3.1 Predicted construction traffic levels

The EIAR assumes an 18-month construction period, with peak HGV movements occurring in month six. At peak, the EIAR estimates approximately 137 two-way HGV movements per day, together with additional staff vehicle movements *(EIAR, Transport and Access, 2025)*.

Applying a worst-case traffic distribution, the EIAR identifies that increases in HGV traffic would exceed the IEMA Guideline "Rule 2" threshold at all assessed locations on the A83(T), thereby triggering the need for a detailed assessment *(IEMA, 2024)*.

That detailed assessment concludes that, in the absence of mitigation, effects relating to severance, non-motorised user delay and amenity, and fear and intimidation would be significant on sections of the A83(T).

9.3.2 Fear and intimidation effects in settlement contexts

The significance of the fear and intimidation effects identified in the EIAR must be understood in the context of existing baseline conditions on the A83(T).

Through Ardrishaig and Inverneill, sections of the route are already constrained, with limited carriageway width such that cars and vans can struggle to pass oncoming HGVs safely. Construction traffic and abnormal loads would pass directly through the heart of these settlements, where pedestrian activity is concentrated and where there are no formal pedestrian crossing facilities.

In these circumstances, materially increased HGV movements would exacerbate perceived danger, stress and avoidance behaviour among pedestrians and other non-motorised users. These impacts align directly with the "fear and intimidation" category defined in the IEMA Guidelines for the Environmental Assessment of Road Traffic, which recognises that perceived risk and intimidation may arise even in the absence of recorded collisions *(IEMA, 2024)*.

ACC submits that concerns raised by local residents are therefore not subjective or speculative, but reflect foreseeable and evidence-based impacts arising from increased heavy vehicle traffic in a constrained settlement environment. These effects are acknowledged within the EIAR as significant in the absence of mitigation *(EIAR, Transport and Access, 2025)*.

9.3.3 Reliance on measures not resolved at application stage

The EIAR concludes that the significant effects identified could be reduced to "not significant" through the preparation and implementation of a Construction Traffic Management Plan. However, the CTMP has not been agreed during the application process. Its content, enforceability and governance will therefore not have been resolved at the point of decision and would instead be subject to post-consent approval *(Outline CTMP, 2025)*.

The Outline CTMP does not define who would be responsible for monitoring cumulative traffic, how thresholds of acceptability would be determined, what enforcement measures would apply if limits were exceeded, or how transparency to affected communities would be ensured. These matters remain outstanding.

9.4 Access to the trunk road network

9.4.1 Proposed site access junction

All construction traffic is proposed to access the site via a new junction on the A83(T). While a Stage 1 Road Safety Audit has been undertaken, it does not confirm compliance with design standards, and a detailed design process—including a Stage 2 Road Safety Audit—has yet to be completed *(EIAR Access Design & RSA, 2025)*.

Transport Scotland's acceptance of the access arrangement is conditional on completion of these steps. They were not resolved during the application process and will therefore remain unresolved at the point of determination *(Transport Scotland, 2025)*.

9.5 Abnormal loads and route feasibility

9.5.1 Abnormal Loads Assessment

The Abnormal Loads Assessment identifies numerous pinch points and relies on assumptions regarding vehicle dimensions, swept paths and delivery arrangements. These assumptions have not been finalised and remain subject to future confirmation *(Abnormal Loads Assessment, 2025)*.

9.5.2 Outstanding requirements at decision stage

Transport Scotland sets out a detailed list of requirements that must be satisfied before abnormal load movements can commence. These include trial runs, approvals, legal agreements and mitigation works *(Transport Scotland, 2025)*.

These requirements were not resolved at application stage. Ministers are therefore being asked to determine the application in the absence of confirmed abnormal load delivery arrangements, notwithstanding the acknowledged constraints of the route.

9.6 Cumulative traffic effects and network resilience

The EIAR's cumulative assessment relies on assumptions that construction programmes for different developments will not overlap and that future CTMPs will prevent unacceptable cumulative impacts.

No mechanism has been established during the application process to coordinate cumulative construction traffic across multiple developments. As a result, cumulative impacts on the A83(T), including through Ardrishaig and Inverneill, will remain unmanaged and unresolved at the point of decision.

The EIAR does not address the strategic role of the A83(T) as the only road connection between the Kintyre peninsula and the wider trunk road network and the only vehicular access route into mid-Argyll and beyond *(EIAR Baseline Transport Context, 2025; Transport Scotland, 2025)*.

In these circumstances, the consequences of delay, blockage or incident associated with construction traffic or abnormal loads are materially greater than on routes with alternative options. Any disruption would extend well beyond the immediate vicinity of the site, affecting communities, businesses, emergency access and economic activity across the peninsula. ACC submits that Ministers are therefore being asked to accept increased risk on a single-point-of-failure route without a corresponding assessment of network resilience or of the wider consequences of disruption.

9.7 Implications for determination

Traffic and transport impacts have not been resolved during the application process and will therefore remain unresolved at the point Ministers are asked to determine the application.

While Transport Scotland does not object in principle, its position is conditional on a series of future approvals, plans and agreements that were expected to be addressed through the application process but were not.

Significant construction traffic effects on the A83(T), including fear and intimidation impacts on pedestrians and other non-motorised users in settlement centres, are acknowledged in the EIAR prior to mitigation. The mitigation relied upon has not been secured in detail and will not have been agreed at the point of decision. Abnormal load delivery remains subject to future approvals and trial runs, and cumulative traffic impacts rely on assumptions rather than secured controls.

Taken together, these matters demonstrate that traffic and transport impacts remain unresolved at decision stage. ACC submits that proposed reliance on post-consent traffic management limits the weight that can properly be placed on the conclusion that transport impacts are acceptable in principle.

Section 10 – Cultural Heritage

Further representations in response to Additional FEI and Historic Environment Scotland consultation responses

10.1 Purpose of this section

This section addresses cultural heritage impacts, distinct from general landscape and visual amenity. It focuses on the effects of the proposed development on the significance and setting of heritage assets, and on whether the Applicant's assessment and Additional FEI comply with heritage policy and accepted practice.

While material from Historic Environment Scotland (HES) is referenced in the Landscape and Visual section, this section addresses heritage-specific concerns raised by HES that go beyond visual amenity and remain unresolved.

10.2 ACC's August 2025 cultural heritage concerns (baseline)

In its August 2025 representation, ACC identified that the Applicant's Cultural Heritage assessment:

- failed to assess heritage assets individually, instead grouping them inappropriately;
- inadequately addressed the contribution of setting to significance;
- relied on generalised visual judgements rather than heritage-specific analysis; and
- understated cumulative and irreversible harm to heritage assets *(ACC, 2025 – Cultural Heritage)*.

ACC submitted that these deficiencies related to policy compliance and assessment methodology, rather than to matters of presentation or further illustration.

10.3 Historic Environment Scotland: objection and methodological failure

10.3.1 Initial objection

In its consultation response dated 4 September 2025, Historic Environment Scotland stated:

"Based on the information supplied within the EIA report there is the potential for significant adverse impacts on a number of assets in our remit. There is currently insufficient information provided within the EIA report, and we are unable to reach a view on the potential impacts of the proposed development including any mitigation measures which may be required to reduce significant impacts."
(HES, 4 September 2025)

HES therefore confirmed:

"We therefore object to the proposed application until sufficient information is provided to allow us to properly assess and understand the potential effects of the proposals."

This is not a request for refinement or clarification. It is a statement that the assessment does not provide a policy-compliant basis for decision-making.

10.3.2 Rejection of the Applicant's assessment approach

Following submission of further material by the Applicant, HES responded again in October 2025, confirming that the fundamental issues had not been addressed *(HES, 28 October 2025)*.

HES stated unequivocally:

"Our response does not suggest that the assets should be assessed as a single receptor. This approach has no basis in policy, guidance or practice."

HES further explained:

"The way in which the assessment has been carried out appears to be based on a misunderstanding of our comments rather than a means of assessing the impacts on the setting of scheduled monuments."

And concluded:

"We therefore maintain our objection to the proposed application until further visualisations and assessment is provided to enable a full understanding of the potential impacts of the proposals."

These statements demonstrate that HES considers the Applicant's approach to heritage assessment to be fundamentally flawed, rather than merely incomplete.

10.4 The Applicant's response: dismissal of statutory heritage expertise

Rather than revisiting its approach to heritage assessment, the Applicant's response to HES:

- maintains the grouped-asset approach expressly rejected by HES;
- reframes heritage impacts as a matter of general visual judgement; and
- asserts acceptability without addressing policy compliance *(Applicant–HES Correspondence, 2025)*.

ACC submits that this response does not resolve HES's concerns but instead seeks to override the statutory adviser's professional judgement on matters of heritage significance and setting. This mirrors a pattern evident elsewhere in the application: where statutory consultees raise concerns that challenge the acceptability of the proposal in principle, the Applicant responds by asserting a competing judgement rather than engaging with the substance of the objection.

10.5 Why Additional FEI cannot resolve the heritage issues

The defects identified by HES are not capable of resolution through Additional FEI because they relate to:

- inappropriate assessment methodology;
- misapplication of heritage policy;
- misunderstanding of the role of setting in significance; and
- irreversible change to heritage context.

Additional visualisations cannot correct an assessment approach that HES has stated has "no basis in policy, guidance or practice" *(HES, 28 October 2025)*. Nor can post-consent conditions mitigate harm to heritage setting once turbines are constructed.

Heritage impacts are permanent and irreversible, and policy requires that they be properly understood and weighed before consent is granted.

10.6 Relationship to earlier refusals at High Brenfield

ACC notes that the concerns raised by Historic Environment Scotland in relation to the current proposal are consistent with ACC's understanding of how heritage impacts were treated in the previous determination of a wind farm proposal at High Brenfield *(ACC, 2025 – Cultural Heritage)*.

In particular, ACC understands that the earlier decision treated harm to the setting of designated heritage assets, the cumulative erosion of historic character, and the scale and prominence of development in this landscape as matters of significant weight.

ACC further understands that, in that earlier case, such heritage impacts were not regarded as capable of being resolved through the imposition of planning conditions or post-consent mitigation, but were instead treated as intrinsic to the scale, location and design of the proposals. While the precise circumstances of each application differ, ACC submits that the methodological and policy concerns now identified by Historic Environment Scotland raise comparable issues of principle in relation to heritage setting, cumulative change and irreversibility of harm *(HES, 4 September 2025; HES, 28 October 2025)*.

Accordingly, ACC considers that the current proposal raises heritage concerns of a type that decision-makers have previously regarded as fundamental rather than procedural, and which require to be resolved at the point of determination rather than deferred to further information or post-consent mechanisms.

10.7 Implications for determination

ACC respectfully submits that:

- Historic Environment Scotland maintains a formal objection to the proposal *(HES, 4 September 2025; HES, 28 October 2025)*;
- HES has stated that the Applicant's heritage assessment approach has no basis in policy, guidance or practice;
- the Applicant has chosen not to address this methodological failure, instead asserting its own judgement *(Applicant–HES Correspondence, 2025)*; and
- the resulting heritage harm would be irreversible and not capable of mitigation.

Ministers are therefore being asked to grant consent in the face of an unresolved statutory heritage objection and to set aside the professional advice of the body charged with safeguarding the historic environment.

ACC submits that this is not justified, and that unresolved cultural heritage impacts must weigh significantly against the grant of consent.

Section 11 – Cumulative Impacts

11.1 Purpose and scope of this section

This section addresses the cumulative impacts associated with the proposed High Brenfield Wind Farm and considers whether the Applicant has adequately identified, assessed and resolved those impacts at the point Ministers are asked to determine the application.

For the purposes of this submission, cumulative impacts are understood in two related but distinct ways. First, they include the combined effects of the proposed development when taken together with other existing, consented or reasonably foreseeable developments in the receiving environment. Secondly, they include the combined effects of multiple impact pathways arising from this development itself, acting together on the same receptors, such as residents, settlements, heritage assets and ecosystems.

Cumulative impacts are not limited to the interaction of wind farm proposals alone. They also arise from the interaction of the proposed development with other long-term land uses and activities in the receiving environment. In the High Brenfield area, this includes ongoing and planned commercial forestry operations, which generate sustained periods of heavy vehicle traffic, noise and landscape change. Brackley Forest, within which the proposed development would be situated, is subject to an active long-term forestry management programme including felling and extraction plans extending over the next 20 years. These activities form part of the cumulative baseline against which additional impacts must be assessed.

Cumulative impacts also arise where multiple effects from a single development act together on the same receptors. For example, residents may experience noise, visual dominance, night-time lighting and construction traffic concurrently; heritage assets may be affected by combined changes to setting, lighting and landscape character; and ecosystems may be subject to habitat loss, fragmentation and hydrological change at the same time. These combined effects are not captured by assessing individual topics in isolation but are central to understanding the real-world consequences of the proposal.

Both forms of cumulative impact are relevant to decision-making. Both are more difficult to address through post-consent conditions than individual effects. This section draws together the issues identified in earlier sections and considers whether cumulative effects have been resolved with the degree of certainty required at determination stage.

11.2 Approach taken in the Environmental Impact Assessment

The Applicant's EIAR addresses cumulative impacts primarily through a topic-by-topic methodology, defining study areas for individual environmental topics and identifying other developments within those areas *(EIAR, Cumulative Assessment Methodology, 2025)*.

That approach rests on a number of assumptions, including that cumulative effects can be adequately understood by assessing topics in isolation; that mitigation measures proposed for individual developments will function effectively when multiple developments are constructed or operated concurrently; and that construction programmes for different developments will not overlap in ways that give rise to unacceptable combined impacts.

The EIAR does not, however, provide a coordinated assessment of how multiple impacts interact on the same receptors, nor does it establish governance or control mechanisms capable of managing cumulative effects across developments, topics or timeframes. As a result, the Applicant has addressed cumulative impacts largely as an aggregation of individual assessments rather than as a distinct decision-stage issue.

11.3 Cumulative landscape and visual impacts

Cumulative landscape and visual impacts are among the most significant potential effects at High Brenfield, given the scale of the proposal and its relationship to the Loch Fyne coastal landscape, nearby settlements and designated landscapes.

As set out elsewhere in this submission, statutory advisers consider that the Applicant has understated sensitivity, magnitude and significance of landscape and visual effects even on a standalone basis. Where baseline effects are disputed or unresolved, cumulative effects necessarily carry a heightened level of uncertainty *(see Sections 6 and 7; NatureScot, 2025; HES, 2025)*.

Cumulative landscape change is not confined to visibility from individual viewpoints. It includes progressive erosion of landscape character, changes in perceptual scale, and the experience of movement through the landscape over time. These effects are irreversible and cannot be mitigated once consent is granted.

The EIAR does not demonstrate that cumulative landscape and visual impacts, whether arising from multiple developments or from the interaction of visual change with other impacts such as lighting and traffic, have been resolved with decision-stage certainty.

11.4 Cumulative cultural heritage impacts

Cumulative impacts on cultural heritage arise where multiple developments contribute to incremental change in the setting of heritage assets and the historic landscape, and where multiple forms of change interact to alter how those assets are experienced and understood.

Historic Environment Scotland maintains an objection to the proposal on the basis that impacts on the setting of individual heritage assets have not been adequately assessed. Where the assessment of standalone impacts is methodologically flawed, cumulative impacts on heritage setting cannot be robustly characterised *(HES, 4 September 2025; HES, 28 October 2025)*.

Incremental erosion of setting, even where individual developments are argued to be tolerable in isolation, can result in substantial cumulative harm. That harm may arise not only from visual intrusion, but from the interaction of landscape change, night-time lighting and the broader transformation of historic context.

The EIAR does not demonstrate that cumulative impacts on cultural heritage have been assessed in a manner consistent with policy or professional practice.

11.5 Cumulative noise impacts

Cumulative noise impacts arise where operational noise from multiple wind farm developments contributes to background sound levels experienced by receptors over time.

As set out in the Noise section, the operational noise assessment for High Brenfield relies on a narrowly applied legacy framework and does not robustly address known disturbance mechanisms or evolving evidence. Where individual assessments are limited in scope, cumulative noise effects are correspondingly more difficult to assess with confidence *(see Section 8)*.

The EIAR does not set out how cumulative operational noise from multiple developments would be monitored, coordinated or controlled over the lifetime of the proposal. Nor does it address how cumulative noise effects may interact with visual dominance, night-time lighting, shadow flicker or other stressors affecting residential amenity.

These matters have not been resolved during the application process.

11.6 Cumulative traffic and transport impacts

Cumulative traffic and transport impacts arise where multiple developments and land uses generate construction traffic and abnormal loads along the same constrained routes, and where those impacts interact with baseline conditions and settlement environments.

The EIAR assumes that construction traffic from different developments will not overlap in a manner that gives rise to unacceptable cumulative effects, and that Construction Traffic Management Plans will prevent significant combined impacts. No mechanism has been established during the application process to coordinate construction traffic across multiple developments or to manage cumulative abnormal load movements *(EIAR, Cumulative Traffic Assessment, 2025)*.

In addition, cumulative traffic impacts must be considered in the context of ongoing and planned forestry operations in the area, including within Brackley Forest, which generate regular HGV movements for timber extraction and haulage *(see Section 11.1; EIAR Baseline Traffic Context, 2025)*. The EIAR does not assess how construction traffic and abnormal loads associated with the proposed development would interact cumulatively with forestry traffic on the same constrained routes.

The Applicant has not assessed the cumulative implications of increased HGV and abnormal load traffic on the A83(T) in the context of that route's constrained geometry, its passage through the centres of Ardrishaig and Inverneill, or its use by pedestrians and other non-motorised users. Fear and intimidation effects identified in relation to individual construction traffic flows would be exacerbated where traffic from multiple developments and land uses coincides.

The EIAR also does not address the strategic role of the A83(T) as the sole road connection linking the Kintyre peninsula to Mid Argyll and beyond. The cumulative consequences of delay, blockage or incident associated with construction traffic or abnormal loads on a single-point-of-failure route have not been examined. Any disruption would affect

communities, businesses and emergency access across the peninsula, not merely the immediate vicinity of the site.

These cumulative traffic impacts rely on the Applicant's assumptions rather than secured controls and remain unresolved at the point of decision.

11.7 Cumulative night-time lighting impacts

Night-time lighting effects are inherently cumulative. Each additional source of aviation lighting contributes to overall night-time brightness, visual intrusion and ecological disturbance.

The EIAR does not provide a quantitative or spatial assessment of cumulative night-time lighting effects. The Applicant has not assessed the combined effect of multiple illuminated turbine arrays on dark landscapes, coastal environments, heritage settings and nocturnal species.

Given the permanence of aviation lighting once operational, cumulative night-time lighting impacts represent a long-term and unresolved pressure that cannot be addressed through post-consent management.

11.8 Cumulative ecological and hydrological impacts

Cumulative ecological and hydrological impacts arise where multiple developments and land uses contribute to habitat loss, fragmentation, disturbance and changes to hydrological processes across a wider area *(see Sections 3 and 5)*.

As set out in earlier sections, impacts on woodland, peat, water and species are frequently addressed through site-specific mitigation and post-consent management plans. The EIAR does not demonstrate how such measures would interact cumulatively, nor how residual impacts would be monitored and managed at a catchment or landscape scale.

In the absence of a coordinated approach, cumulative ecological and hydrological effects remain uncertain, particularly where multiple developments and forestry operations affect the same catchments, habitats or species populations.

11.9 Decision-stage implications

Cumulative impacts are inherently more difficult to address through post-consent conditions than individual impacts. Once multiple developments and land uses are consented or ongoing, opportunities for avoidance, redesign or coordinated mitigation are lost.

At the point Ministers are asked to determine the High Brenfield application, cumulative impacts have not been resolved. Instead, they are addressed through assumptions regarding future mitigation, non-overlapping programmes and effective coordination that has not been secured.

11.10 ACC position for Ministers

ACC submits that the Applicant has not adequately examined or resolved cumulative impacts during the application process and that these will therefore remain unresolved at the point of determination.

Across landscape and visual impact, cultural heritage, noise, traffic and transport, night-time lighting, ecology and hydrology, the Applicant's EIAR relies on topic-by-topic assessment, assumptions about future controls and post-consent management rather than providing a coherent, coordinated assessment of combined effects.

Given the irreversible nature of many of these impacts, the interaction of multiple pressures on the same receptors, and the scale of change proposed in an already sensitive receiving environment, ACC submits that unresolved cumulative impacts must be given significant weight in determining the application *(see Sections 3–9)*.

Section 12 – References

This section provides the full reference list for all documents, publications and consultation responses cited throughout this submission. Short-form citations are used in the text for clarity and ease of cross-reference.

Abnormal Loads Assessment

- **Abnormal Loads Assessment** (2025). Submitted as part of the High Brenfield Wind Farm Environmental Impact Assessment Report (EIAR).

Ardrishaig Community Council (ACC)

- **Ardrishaig Community Council** (2025). *Representation on High Brenfield Wind Farm* (August 2025), including Cultural Heritage, Noise, Landscape, Transport and other sections as cited.

Applicant–HES Correspondence

Applicant correspondence with Historic Environment Scotland (2025). • Responses to HES consultation comments on High Brenfield Wind Farm.

Department of Energy & Climate Change (DECC)

- **DECC** (2013). *Update of UK Wind Turbine Noise Assessment Guidance*.

Department for Energy Security and Net Zero (DESNZ)

- **DESNZ** (2023). *Independent Scoping Review of Wind Turbine Noise Methodology*.

Environmental Impact Assessment Report (EIAR)

EIAR (2025). *High Brenfield Wind Farm Environmental Impact Assessment Report*, including:

- Transport and Access
- Cumulative Assessment Methodology
- Baseline Traffic Context
- Access Design & Road Safety Audit
- Cultural Heritage
- Landscape and Visual Impact
- Noise Assessment
- Ecology, Hydrology and Peat
- Outline Construction Traffic Management Plan (CTMP)
- Abnormal Loads Assessment
  (All sections as cited throughout this submission.)

Forestry / Brackley Forest

- **Forestry baseline and management information** as referenced in EIAR (2025) and summarised in Section 11.1 of this submission.

Hansen, Zajamšek & Hansen

- **Hansen, K., Zajamšek, B., & Hansen, C.** (2017). Peer-reviewed research on infrasound and low-frequency noise from wind turbines.

Hayes McKenzie Partnership

- **Hayes McKenzie Partnership** (2015). *Wind Turbine Amplitude Modulation: Research and Review*.

Health Canada

- **Health Canada** (2014). *Wind Turbine Noise and Health Study*.

Historic Environment Scotland (HES)

- **HES** (4 September 2025). *Consultation response on High Brenfield Wind Farm (Section 36)*.
- **HES** (28 October 2025). *Follow-up consultation response confirming maintained objection and rejecting grouped-asset methodology*.

Institute of Environmental Management & Assessment (IEMA)

- **IEMA** (2024). *Guidelines for the Environmental Assessment of Road Traffic*.

Institute of Acoustics (IOA)

- **Institute of Acoustics Amplitude Modulation Working Group** (2016/2017). *Guidance on the Assessment of Amplitude Modulation*.

Institute of Acoustics & Chartered Institute of Environmental Health (IOA & CIEH)

- **IOA & CIEH** (2025). *Joint response to UK Government consultation on updated wind turbine noise guidance*.

Müller et al.

- **Müller, A. et al.** (2025). *Three-year interdisciplinary field study on wind turbine noise annoyance*. *Science of the Total Environment*.

NatureScot

- **NatureScot** (2025). Consultation responses on landscape and visual impacts, cumulative effects and lighting for High Brenfield Wind Farm.

Salt & Hullar

- **Salt, A., & Hullar, T.** (2010). Research on physiological responses to low-frequency sound.

Transport Scotland

- **Transport Scotland** (31 July 2025). *Consultation response on Transport and Access*, including review of EIAR, Abnormal Loads Assessment and Outline CTMP.
- **Transport Scotland** (2025). Additional consultation material referenced in Sections 9 and 11.

UK Government

- **UK Government** (2025). *Draft Updated Guidance for the Assessment and Rating of Wind Turbine Noise* (July 2025 consultation).

Zajamšek, Hansen & Doolan

- **Zajamšek, B., Hansen, K., & Doolan, C.** (2021). Peer-reviewed research on low-frequency noise and wind turbine acoustics.

High Brenfield Wind Farm ECU00004961

Appendix and Annex to

Further submission dated 21 January 2026 of Ardrishaig Community Council following the Applicant's provision of Additional FEI and responses to statutory consultees

1. Purpose and scope of this Appendix

This Appendix provides a structured, evidence-based critique of the planning conditions proposed by the Applicant, Low Carbon, in connection with the High Brenfield Section 36 application.

Purpose

Its purpose is to assist Scottish Ministers in assessing whether reliance on the proposed conditions is lawful, appropriate and sufficient to support a robust and decision-ready consent. In particular, it examines whether the conditions:

- are appropriate in principle, having regard to the nature of the issues they seek to address;
- are capable of resolving those issues in substance, rather than deferring or obscuring them;
- are supported by an adequate evidential basis at the point of decision; and
- comply with established principles governing the use of planning conditions, including precision, enforceability and certainty.

This Appendix is analytical and evaluative, not a re-statement of impacts or a re-drafting of the Applicant's conditions. It does not seek to re-argue the underlying merits of the proposed development, which are addressed in detail in Ardrishaig Community Council's August 2025 representation and January 2026 response. Instead, it tests whether the issues identified in those submissions are, as a matter of planning law and practice, capable of being addressed through conditions at all.

The analysis draws explicitly on the following material:

- Ardrishaig Community Council's August 2025 representation on the Section 36 application;
- Ardrishaig Community Council's 21 January 2026 response to the Applicant's Further Environmental Information;

- the Applicant's proposed conditions schedule (dated 2 December 2025);
- the Additional Further Environmental Information submitted by the Applicant; and
- consultation responses from statutory consultees, including NatureScot, Historic Environment Scotland, SEPA, Scottish Forestry, Transport Scotland and Scottish Water, together with the Applicant's responses to those consultees.

In undertaking this review, particular attention is given to whether the proposed conditions are being relied upon to address matters that have already been identified by consultees or by Ardrishaig Community Council as determinative, siting-related, or otherwise not capable of being remedied through post-consent controls. Where this occurs, the Appendix explains why such reliance is inappropriate, and why it would leave Ministers exposed to granting consent in the absence of a properly resolved assessment. Ardrishaig Community Council is also concerned with the procedural consequences of excessive reliance on post-consent conditions. Where substantive matters are deferred beyond determination, decisions affecting residential amenity, environmental quality and community wellbeing are displaced into technical discharge processes in which affected communities have no formal role. This Appendix therefore examines the proposed conditions not only in terms of their legal and technical adequacy, but also in terms of whether they inappropriately remove matters of practical importance from the stage at which community representations can be taken into account.

Structure

The Appendix is structured thematically rather than as a condition-by-condition table. This reflects the fact that the principal concern is not the wording of individual conditions in isolation, but the overall pattern of reliance on conditions to defer assessment, assume future agreement, or transfer risk from the Applicant to regulators and affected communities.

For clarity and transparency, a summary of the specific numbered conditions in the Applicant's proposed conditions schedule (High Brenfield WF_Standard_Onshore_Wind_Cond_V2_02.12.25) to which this critique relates is provided at Annex A.

2. Conditions that seek to remedy determinative siting and acceptability issues

The Applicant's proposed conditions include a number of measures which are relied upon to address impacts that arise fundamentally from the siting, scale and layout of the proposed development. These are not matters of detailed implementation but matters of acceptability in principle. As such, they cannot properly be remedied through planning conditions without first altering the proposal itself.

This issue arises most clearly in relation to landscape and visual impacts and cultural heritage impacts, including their combined effects on designated and highly sensitive receptors. In these areas, the evidence before Ministers points consistently to residual, significant adverse effects which are intrinsic to the proposal as submitted, rather than contingent on construction methodology or mitigation detail.

2.1 Landscape and visual impacts

NatureScot has maintained an outright objection to the proposed development on landscape and visual grounds, including following review of the Further Environmental Information. In its response of 19 December 2025, NatureScot concludes that the location, size and scale of the proposal represent a "step change in prominence and proximity of wind farms" in relation to the Knapdale National Scenic Area, Kilmartin Glen and the wider Loch Fyne landscape, and that the proposal would significantly adversely affect identified Special Landscape Qualities of the Knapdale NSA.

Critically, NatureScot advises that, given the siting and scale of the development, it is unlikely that the significant adverse effects identified could be notably reduced within the site parameters, and that the integrity of the designation would be compromised. This is a conclusion about the proposal itself, not about the adequacy of mitigation measures.

In that context, proposed conditions relating to matters such as micro-siting, final layout approval, construction management or detailed design controls cannot address the core concern identified. The harm arises from the presence, height, number and spatial relationship of turbines in this location. No condition can alter those fundamental parameters without materially changing the development that has been assessed.

For this reason, conditions of this nature do not provide a meaningful or lawful mechanism for addressing the landscape and visual impacts identified and cannot be relied upon as a basis for concluding that the proposal is acceptable.

2.2 Cultural heritage and setting impacts

A similar issue arises in relation to cultural heritage, particularly impacts on the setting of nationally important heritage assets and culturally significant landscapes. Historic Environment Scotland's consultation responses identify substantial concerns regarding the effect of the proposed turbines on the setting of designated assets and the wider historic landscape.

These concerns are rooted in the scale, location and visibility of the development rather than in matters of construction detail. While the Applicant's proposed conditions include provisions relating to archaeological recording, construction management and protective measures during works, such conditions cannot address setting impacts, which are experienced through the long-term visual presence of the turbines in the landscape.

Conditions requiring further plans, schemes or method statements cannot alter the fact that the turbines, as proposed, would introduce new and intrusive elements into sensitive historic landscapes. In these circumstances, such conditions do not mitigate the identified harm, but instead risk obscuring the fact that the harm is inherent in the proposal itself.

2.3 Ardrishaig Community Council's settled position on determinative impacts

Ardrishaig Community Council's August 2025 representation and January 2026 response both draw a clear distinction between matters that might, in principle, be mitigated through conditions and matters that are determinative of the application. ACC has consistently maintained that the scale, siting and cumulative landscape and visual impacts of the proposal render it unacceptable, and that these impacts are not capable of being cured by post-consent controls.

The Applicant's proposed conditions do not respond to that distinction. Instead, they proceed on the implicit assumption that impacts arising from the fundamental design and location of the scheme can be managed through regulatory mechanisms applied after consent is granted. That assumption is not supported by the evidence from statutory consultees, nor by established planning practice.

2.4 Implications for decision-making

Where conditions are relied upon to address impacts arising from the siting, scale and acceptability of the development, they are inappropriate in principle. To grant consent on the basis of such conditions would be to do so in the absence of a resolved assessment of key impacts, and on the basis of an assumption that post-consent processes could achieve outcomes which the evidence indicates are not achievable.

In these circumstances, conditions relating to matters such as micro-siting, layout refinement, construction management or ancillary mitigation do not provide a lawful or robust basis on which consent could be granted. Those impacts require to be addressed through changes to the proposal itself, or through refusal of consent, rather than through conditions.

3. Conditions that defer substantive assessment to post-consent plans

The Applicant's proposed conditions include a number of mechanisms which require post-consent plans, schemes, method statements and reviews to be prepared and approved prior to construction or operation. In principle, such conditions can be appropriate where the likely significant effects of the development have been adequately assessed at application stage, and where the post-consent document is genuinely concerned with implementation of agreed mitigation rather than with resolving basic questions of impact and acceptability.

In the case of High Brenfield, Ardrishaig Community Council's August 2025 representation identified multiple areas where assessment was incomplete, key impacts were underassessed or omitted, and the Applicant's approach depended on deferring substantive matters to later-stage plans. A central difficulty with the Applicant's proposed conditions is that they continue this pattern. They are structured in ways which risk postponing decisions that should inform Ministers' determination, transferring unresolved risk into post-consent discharge and regulatory processes.

3.1 Construction and Environmental Management Plans and related controls

The proposed conditions include requirements for a Construction and Environmental Management Plan and associated management documents (including pollution prevention, drainage, construction traffic controls and related measures). Such conditions can only operate properly where the EIA has already established an adequate baseline, assessed likely significant effects, and demonstrated that the mitigation strategy is sufficient in principle.

ACC's August representation raised concerns that key construction-phase risks affecting communities and sensitive receptors were not decision-ready and were being treated as matters for later-stage plans, including risks associated with excavation-driven flooding, drinking water protection and surface water management. Where those assessment gaps remain, a CEMP-type condition risks functioning as a substitute for assessment, rather than a mechanism to implement mitigation that has already been demonstrated to be effective.

3.2 Hydrology, peat, soils and water protection: deferral of design and risk resolution

ACC's August representation is explicit that risks associated with peat disturbance, hydrological change and effects on drinking water resources were not adequately assessed, and that key mitigation and avoidance measures were not embedded at decision stage. Concerns included excavation flood risk, sediment and dissolved organic carbon mobilisation, spill risk and Drinking Water Protected Area vulnerabilities.

The Applicant's proposed conditions rely heavily on post-consent plans and method statements to manage these risks. While such conditions may form part of a control framework, they do not resolve the underlying concern identified by ACC: that Ministers are being asked to grant consent without a sufficiently resolved, quantified understanding of risks and pathways, and

without design-stage avoidance being demonstrably prioritised. In these circumstances, conditions risk transferring unresolved environmental and public health risk into post-consent processes.

3.3 Forestry, felling and compensatory planting: managing consequences rather than testing need and minimisation

Scottish Forestry's consultation response highlights the extent to which woodland removal, restocking and compensatory planting are being managed through conditions. ACC's August submission raised wider concerns about woodland loss, fragmentation and the application of the mitigation hierarchy, including whether avoidance and minimisation had been properly applied.

Conditions may secure compensatory planting and management, but they cannot resolve questions of principle about whether the scale and nature of woodland removal proposed is justified, whether it has been minimised through design, or whether the resulting impacts are acceptable. In that sense, these conditions manage consequences rather than addressing the underlying acceptability of the proposal.

3.4 Traffic and transport management: deferral of community protection and lifecycle effects

ACC's August representation criticised reliance on construction traffic management plans as an insufficient response to a broader suite of impacts, including cumulative disruption, safety risks, and the absence of a coherent approach to all lifecycle phases, including decommissioning.

Conditions that defer routing, timing, mitigation and community protection measures to post-consent approval do not provide decision-stage certainty where the scale, duration and distribution of impacts remain unresolved. While Transport Scotland has not objected, its position relies on standard condition frameworks rather than on a conclusion that impacts have been fully addressed in principle.

3.5 Noise impacts: reliance on post-consent limits, monitoring and complaint-led controls

Noise is a central concern for local residents and was treated by ACC in August as a matter requiring particular caution in relation to the use of conditions. ACC highlighted concerns regarding baseline characterisation, cumulative noise effects, the interaction between operational turbine noise and other local noise sources (including forestry operations and associated HGV traffic), and the adequacy of relying on post-consent monitoring and enforcement to protect residential amenity.

The Applicant's proposed conditions approach noise primarily through the setting of operational limits, post-consent monitoring, and complaint-led investigation and mitigation. While such conditions are common, they assume that the underlying noise environment, cumulative context and worst-case exposures have been sufficiently understood at application stage. ACC's August representation questioned whether that assumption is justified in this

case, particularly given the evolving noise environment in the area and the interaction with other industrial activities.

Where uncertainty remains about baseline conditions, cumulative exposure and the real-world effectiveness of mitigation, conditions risk shifting the burden of proof and enforcement onto residents and regulators after consent is granted. In these circumstances, noise conditions function less as safeguards and more as a mechanism for deferring unresolved impacts into the operational phase.

3.6 Night-time lighting: deferral of a missing assessment and speculative mitigation

ACC's August representation identified the absence of night-time visual assessment and lighting simulations as a material omission in the EIA. It also noted that mitigation in the form of adaptive or radar-activated lighting was speculative and not embedded in the design.

The proposed aviation and lighting conditions require the submission of lighting schemes and periodic post-consent reviews, including consideration of lighting reduction technologies. Whatever their merits in aviation safety terms, these conditions do not address the planning issue raised by ACC: Ministers are being asked to determine the application without a decision-stage assessment of night-time effects or secured mitigation commitments. The condition therefore defers both assessment and mitigation into post-consent processes.

3.7 Shadow flicker: reliance on modelling assumptions and post-consent controls

Shadow flicker was identified by Ardrishaig Community Council in its August 2025 representation as a matter of particular concern for residents, both in relation to the adequacy of the assessment presented and the reliance placed on conditions to manage exceedances if they arise. ACC noted that the modelling undertaken is necessarily assumption-based, that it relies on simplified inputs regarding turbine operation and receptor exposure, and that it does not fully reflect real-world variability in turbine operation, weather conditions or cumulative exposure.

The Applicant's proposed conditions address shadow flicker primarily through post-consent mechanisms, including operational controls, monitoring and, where thresholds are exceeded, remedial action. While such conditions are commonly used, they presuppose that the assessment undertaken at application stage provides a sufficiently robust and precautionary understanding of the likely effects to justify that approach.

ACC's August submission questioned whether that presupposition is justified in this case, particularly given the scale of the turbines proposed, their proximity to residential receptors, and the interaction between shadow flicker, landscape change and other amenity effects. Where predicted exceedances are close to accepted limits, or where modelling uncertainty remains, reliance on post-consent controls risks shifting the burden of impact identification and enforcement onto affected residents.

In these circumstances, shadow flicker conditions operate less as a safeguard embedded in a settled assessment, and more as a contingency mechanism designed to respond after harm has

been experienced. That approach reinforces the wider concern identified in this section: that conditions are being used to defer resolution of amenity impacts that should properly inform Ministers' determination of whether the development is acceptable in principle.

3.8 Implications of deferral through post-consent plans

Taken together, the proposed conditions demonstrate a pattern of reliance on post-consent plans, monitoring regimes and review mechanisms to address matters that ACC raised in August as not decision-ready and, in some cases, as going to acceptability in principle.

This approach risks granting consent without Ministers having before them a fully resolved understanding of key impacts, assumes that post-consent processes can deliver outcomes that have not been evidenced, and transfers uncertainty and practical burden from the Applicant to regulators and affected communities. Conditions which primarily function to defer assessment and negotiation, rather than to implement agreed mitigation, are insufficient to support a lawful, robust and decision-ready consent.

4. Conditions that assume future agreement with statutory consultees

A further feature of the Applicant's proposed conditions is their reliance on future approval, agreement or consultation with statutory bodies as a means of addressing unresolved issues. While consultation-based conditions can be appropriate where matters of detail remain to be finalised, they are not a substitute for resolving substantive objections or uncertainties at the point of determination.

In the High Brenfield application, a number of statutory consultees have either maintained outright objections, expressed fundamental concerns about acceptability, or limited their engagement to specific regulatory matters. In that context, conditions which assume future agreement risk overstating the degree of consensus that exists and invite Ministers to proceed on the basis of outcomes that have not been secured.

4.1 NatureScot: reliance on conditions despite maintained objection

NatureScot has maintained an outright objection to the proposed development on landscape and visual grounds, including following review of the Further Environmental Information. Its response of 19 December 2025 makes clear that the identified significant adverse effects arise from the siting, scale and proximity of the turbines, and that it is unlikely those effects could be notably reduced within the site parameters.

Against that position, conditions which refer to future consultation with NatureScot, or which imply that matters such as layout refinement, micro-siting or mitigation detail might address NatureScot's concerns, are fundamentally misconceived. NatureScot has not indicated that its objection could be resolved through conditions, nor that it anticipates future agreement on matters that go to acceptability in principle.

In these circumstances, conditions that assume ongoing engagement with NatureScot as a route to resolving landscape and visual impacts risk mischaracterising NatureScot's position and attributing to it a degree of conditional acceptance that it has expressly withheld.

4.2 Historic Environment Scotland: unresolved setting impacts

Historic Environment Scotland's consultation responses identify substantial concerns regarding impacts on the setting of designated heritage assets and the wider historic landscape. These concerns are rooted in the long-term visual presence and scale of the proposed turbines, rather than in construction methodology or temporary disturbance.

While some proposed conditions refer to consultation with Historic Environment Scotland in relation to management plans, protective measures or archaeological works, HES has not indicated that its concerns regarding setting impacts could be resolved through such mechanisms. To the extent that conditions suggest future agreement or sign-off by HES, they again assume an outcome that has not been secured and which the evidence suggests is unlikely to be achievable.

4.3 SEPA: regulatory engagement does not equate to planning endorsement

SEPA's engagement with the proposed conditions has been focused on regulatory matters within its remit, including pollution prevention, peat management and protection of the water environment. Its comments on condition wording, and its agreement to specific clauses, reflect a willingness to work within the planning framework if consent were to be granted, rather than an endorsement of the development as acceptable in principle.

SEPA's correspondence makes clear that its advice is provided without prejudice to regulatory decisions, and that it relies on the accuracy and completeness of the information submitted. Conditions that cite consultation with SEPA therefore do not resolve planning questions about acceptability or residual risk; they merely establish a framework for subsequent regulatory control.

Treating such conditions as evidence that impacts have been satisfactorily addressed risks conflating regulatory compliance with planning acceptability, and places undue weight on future regulatory processes to compensate for unresolved planning-stage concerns.

4.4 Scottish Forestry: conditional engagement and unresolved questions of principle

Scottish Forestry's consultation response identifies a range of requirements relating to woodland removal, compliance with the UK Forestry Standard and compensatory planting, and proposes conditions to secure those outcomes. However, its response also highlights the importance of minimising woodland loss and of demonstrating that the underlying purpose of the development cannot reasonably be met without resorting to woodland removal.

Conditions that require future approval of felling plans, restocking proposals or compensatory planting schemes do not resolve those underlying questions of principle. While Scottish Forestry may engage constructively in the discharge of such conditions, that engagement cannot be taken to imply agreement that the extent of woodland loss proposed is acceptable, or that it has been adequately justified through the application and FEI process.

4.5 Transport Scotland and other consultees: limited remit and reliance on standard conditions

Transport Scotland's position relies explicitly on earlier submissions and proposed modifications to standard conditions, and it has confirmed that matters addressed in the Further Environmental Information fall outside its remit. Its lack of objection is therefore not a conclusion that all transport-related impacts have been resolved, but a reflection of its regulatory role and the use of standard condition frameworks.

Similarly, responses from consultees such as the Ministry of Defence, aviation stakeholders and telecommunications operators are tightly scoped to specific technical matters and safeguarding requirements. Conditions securing compliance with those requirements do not address wider planning concerns or residual impacts on communities and should not be treated as evidence of broader agreement.

4.6 Implications of assumed future agreement

Taken together, the proposed conditions give rise to a risk that Ministers are being invited to assume future agreement with statutory consultees on matters where:

- objections remain unresolved;
- engagement is expressly limited to regulatory compliance; or
- consultees' remits do not extend to the full range of impacts raised.

Conditions cannot lawfully be used to defer resolution of substantive planning objections or to assume that future consultation will deliver outcomes that have not been secured at determination. Where the evidential record demonstrates the absence of consensus, or the persistence of fundamental concern, reliance on such conditions is misplaced and undermines the robustness of the consent.

5. Conditions that are imprecise, unenforceable or outcome-neutral

In addition to the issues identified in Sections 2 to 4 above, a number of the Applicant's proposed conditions raise more fundamental concerns regarding their clarity, enforceability and effectiveness. Even where conditions are, in principle, capable of addressing a particular issue, they must still meet established tests: they must be precise, unambiguous, capable of enforcement, and directed towards a clear and measurable outcome.

A recurring feature of the proposed conditions for the High Brenfield development is that these tests are not consistently met. In several instances, conditions rely on vague objectives, undefined standards, open-ended discretion, or monitoring requirements that lack enforceable consequences. This further undermines their ability to provide a robust basis for granting consent.

5.1 Lack of clear, outcome-focused standards

A number of conditions are framed in terms of general aims or intentions, rather than clear outcomes. Requirements to prepare plans or schemes "to minimise impacts", "where practicable", or "as far as reasonably possible" provide little certainty as to what must actually be achieved, or how compliance would be judged.

Such wording leaves substantial discretion to the Applicant at the discharge stage and limits the ability of regulators or affected communities to determine whether the condition has been met. In the context of impacts that have already been identified as sensitive or contested, this lack of outcome clarity materially weakens the protective function of the condition.

5.2 Reliance on monitoring without defined consequences

Several conditions rely on monitoring, review or reporting as their primary control mechanism, including in relation to operational noise, shadow flicker, lighting and environmental effects. Monitoring can be an important component of environmental control, but only where it is tied to clearly defined triggers and enforceable remedial actions.

In this case, monitoring requirements are frequently separated from any explicit obligation to take corrective action, or the circumstances in which such action would be required are left undefined. This creates a risk that exceedances or adverse effects are documented without any clear route to resolution, placing the burden on regulators or residents to pursue enforcement in the absence of clear benchmarks.

5.3 Open-ended discretion and post-consent negotiation

A further concern arises where conditions defer key decisions to future approval "in consultation with" statutory bodies, without specifying the parameters within which that discretion is to be exercised. As noted in Section 4, this assumes future agreement, but it also raises enforceability issues.

Where a condition does not define the criteria for approval, the standards to be met, or the consequences of non-agreement, it effectively creates a space for extended post-consent negotiation rather than enforceable control. This is particularly problematic where the matter in question affects residential amenity or environmental protection, and where the planning authority's ability to revisit the acceptability of the development is constrained once consent has been granted.

5.4 Conditions that regulate process rather than outcomes

Several of the proposed conditions are primarily procedural in nature: they require the submission of plans, schemes or reports, but do not require that those documents achieve a defined environmental or community protection outcome. Compliance is therefore reduced to the act of submission and approval, rather than the delivery of a substantive result.

In circumstances where impacts are sensitive and contested, process-based conditions of this kind provide limited assurance. They do not guarantee that the impacts identified will be avoided, reduced to an acceptable level, or remedied if harm occurs.

5.5 Implications for the robustness of the consent

Taken together, these weaknesses reinforce the broader concern that the Applicant's proposed conditions do not provide a sufficiently clear or enforceable framework to manage the impacts of the development. Even if Ministers were satisfied that reliance on conditions was appropriate in principle, the lack of precision and outcome focus in many of the conditions would still leave material uncertainty as to whether the intended protections would be delivered in practice.

Conditions that are imprecise, unenforceable or outcome-neutral do not meet the standard required for a Section 36 consent affecting sensitive environments and residential communities. Their inclusion further supports the conclusion that the application, as it stands, is not supported by a lawful, robust and decision-ready conditions framework.

6. Cumulative reliance on conditions, transfer of risk, and exclusion of affected communities

6.1 Cumulative reliance on post-consent mechanisms

Taken together, the Applicant's proposed conditions reveal a pattern of cumulative reliance on post-consent mechanisms to address matters that remain unresolved, contested or insufficiently assessed at the point of determination.

As set out in Sections 2 to 5 above, this reliance operates in several distinct but interrelated ways:

- conditions are used to attempt to remedy impacts arising from the siting, scale and acceptability of the development, which are not capable of being cured post-consent;
- substantive assessment is deferred to post-consent plans, strategies, monitoring regimes and review processes, notwithstanding gaps and uncertainties identified at application stage;
- future agreement with statutory consultees is assumed in circumstances where objections remain, engagement is expressly limited, or consultees' remits do not extend to acceptability in principle; and
- a number of conditions lack the precision, enforceability or outcome focus required to provide certainty that impacts will be effectively controlled.

6.2 Transfer of risk and reliance on future approvals

The cumulative effect of this approach is not merely technical. It results in a transfer of risk away from the Applicant and onto regulators, affected communities and, ultimately, Ministers. Rather than determining the acceptability of the proposal on the basis of a resolved and robust evidential record, Ministers are asked to rely on a framework of future approvals and negotiations over which they will have limited control once consent is granted.

There may be a temptation, in light of the issues identified above, to consider whether some of the remaining inadequacies in the Applicant's assessment and conditions framework could instead be addressed through the use of Section 74 approval mechanisms under the Electricity Act 1989. ACC submits that such an approach would not resolve the concerns identified in this Appendix. Section 74 mechanisms, like planning conditions, presuppose that Ministers are satisfied that the development is acceptable in principle, and are intended to regulate matters of detailed implementation rather than to cure deficiencies in assessment or to resolve questions of acceptability.

In particular, Section 74 mechanisms would not be capable of addressing inadequacies or unresolved impacts relating to:

- the siting, scale and landscape and visual effects of the proposed turbines, including impacts on the Knapdale National Scenic Area and other highly sensitive landscapes;
- cultural heritage setting impacts, which arise from the long-term presence and visibility of the development rather than from construction detail;

- residential amenity impacts such as noise, shadow flicker and night-time lighting, where the absence of decision-stage certainty cannot be remedied through later approvals; or
- hydrological, peat and drinking water protection risks where the underlying pathways, magnitudes and acceptability of effects have not been adequately resolved prior to determination.

6.3 Exclusion of affected communities from post-consent decision-making

A further and related concern is that the proposed conditions framework envisages post-consent engagement almost exclusively with statutory consultees and regulators, with no meaningful role for the communities which would live with the consequences of decisions deferred beyond consent.

Matters left to be resolved through post-consent plans, approvals or reviews would therefore be determined through technical and regulatory processes in which affected communities have no formal voice, notwithstanding that it is those communities who would experience the resulting impacts on amenity, environment and quality of life.

In this context, reliance on post-consent mechanisms does not merely defer technical detail; it also removes matters of practical importance to communities from the decision-making stage at which community representations can be taken into account. That is a further reason why issues going to acceptability in principle should be resolved before consent is granted, rather than displaced into post-consent processes beyond public scrutiny or participation.

6.4 Implications for determination

This approach is inconsistent with the proper purpose of conditions and post-consent controls in a Section 36 consent. Such mechanisms are intended to regulate the implementation of a development that has been found acceptable in principle, not to compensate for unresolved assessment, to defer difficult decisions, or to substitute for design changes that have not been made.

Accordingly, the proposed conditions, taken as a whole, do not provide a lawful, robust or decision-ready basis on which consent could properly be granted. Where impacts are determinative, they require to be addressed through changes to the proposal or through refusal of consent, rather than through reliance on conditions or alternative post-consent mechanisms.

Annex to Appendix

Summary of proposed conditions referenced in this Appendix

This Annex summarises the specific conditions referred to in Sections 2 to 5 of this Appendix, by reference to the Applicant's proposed conditions schedule titled:

High Brenfield WF_Standard_Onshore_Wind_Cond_V2_02.12.25

The purpose of this Annex is to demonstrate that Ardrishaig Community Council's critique is grounded in the structure and content of the Applicant's proposed conditions, and reflects concerns raised in ACC's August 2025 representation and January 2026 response. The Annex does not restate impacts or provide a condition-by-condition critique but identifies the relevant numbered conditions to which the analysis in the Appendix relates.

A1. Conditions referenced in Section 2

Determinative siting and acceptability issues

The following conditions are referenced in Section 2 insofar as they are relied upon to address impacts arising from the siting, scale and acceptability of the development, which ACC has identified as not capable of being remedied through post-consent controls:

- **Condition 12 – Micro-siting of turbines**, permitting adjustment of turbine locations within defined tolerances.
  (ACC August 2025: landscape and visual impacts; proximity, siting and cumulative effects.)
- **Condition 13 – Final layout confirmation**, requiring submission and approval of the final turbine layout prior to construction.
  (ACC August 2025 and January 2026: layout refinement cannot address fundamental landscape, visual and setting harm.)
- **Condition 19 – Construction and Environmental Management Plan**, insofar as it is relied upon to mitigate permanent landscape, visual or cultural heritage setting impacts rather than construction effects alone.
  (ACC August 2025: distinction between construction impacts and long-term effects.)

A2. Conditions referenced in Section 3

Deferral of substantive assessment to post-consent plans

The following conditions are referenced in Section 3 insofar as they defer the assessment or resolution of impacts to post-consent plans, approvals or monitoring regimes:

- **Condition 19 – Construction and Environmental Management Plan (CEMP)**.
  (ACC August 2025: construction-phase risk, excavation-driven flood risk, reliance on CEMP without decision-stage certainty.)

- **Condition 20 – Construction Traffic Management Plan**.
  (ACC August 2025 and January 2026: cumulative disruption, community safety, lifecycle impacts.)
- **Condition 31 – Peat and Carbon Rich Soils Management Plan**.
  (ACC August 2025 and January 2026: peat disturbance, hydrological change, unresolved risk pathways.)
- **Condition 36 – Private Water Supplies**, including monitoring and contingency provisions.
  (ACC August 2025: Drinking Water Protected Area concerns; reliance on post-consent mitigation.)
- **Condition 32 – Forestry felling and restocking**, and
  Condition 33 – Compensatory planting and woodland management.
  (ACC August 2025: woodland loss, fragmentation, failure to demonstrate avoidance and minimisation.)
- **Condition 21 – Operational noise limits and monitoring**.
  (ACC August 2025: baseline adequacy, cumulative noise context, interaction with forestry operations and HGV traffic.)
- **Condition 22 – Shadow flicker mitigation and control**.
  (ACC August 2025: modelling uncertainty, proximity to receptors, reliance on post-impact mitigation.)
- **Condition 24 – Aviation and other lighting**, including submission of lighting schemes, post-consent review and potential future adoption of adaptive or radar-activated lighting.
  (ACC August 2025 and January 2026: absence of night-time visual assessment; speculative mitigation.)

A3. Conditions referenced in Section 4

Assumption of future agreement with statutory consultees

The following conditions are referenced in Section 4 insofar as they assume future agreement with statutory consultees on matters where objections, limitations or unresolved concerns remain:

- **Condition 12 – Micro-siting**, and
  Condition 13 – Final layout, insofar as these require consultation with **NatureScot** despite NatureScot's maintained objection.
  (ACC August 2025 and January 2026.)
- **Condition 27 – Cultural heritage management and protection**, requiring consultation with **Historic Environment Scotland**.
  (ACC August 2025: setting impacts not capable of resolution through management plans.)
- **Condition 31 – Peat and Carbon Rich Soils**, and
  Condition 34 – Pollution prevention and water environment protection, requiring consultation with **SEPA**.
  (ACC August 2025: regulatory engagement does not equate to planning acceptability.)

- **Conditions 32 and 33 – Forestry felling, restocking and compensatory planting**, requiring consultation with **Scottish Forestry**.
  (ACC August 2025: unresolved questions of woodland loss justification.)
- **Condition 20 – Construction Traffic Management**, requiring consultation with **Transport Scotland**.
  (ACC August 2025: limited consultee remit; reliance on standard frameworks.)

A4. Conditions referenced in Section 5

Precision, enforceability and outcome neutrality

The following conditions are referenced in Section 5 insofar as their wording or structure limits enforceability or certainty of outcome:

- **Conditions 19, 20, 21, 22 and 24**, where the Applicant defines compliance through process-based steps like submission, monitoring or review. This structure fails to establish enforceable outcome thresholds and places an undue burden on residents and regulators post-consent.
  (ACC August 2025: burden placed on residents and regulators post-consent.)
- **Conditions 12, 13 and 27**, where approval is required "in consultation with" statutory bodies without defined decision parameters or consequences of non-agreement.
  (ACC January 2026: risk of prolonged post-consent negotiation.)
- **Conditions 31, 32 and 33**, where discretionary qualifiers and process-based requirements reduce certainty of environmental outcomes.
  (ACC August 2025 and January 2026.)

A5. Relationship to ACC representations

The numbered conditions identified above correspond directly to issues raised by Ardrishaig Community Council in its August 2025 representation and January 2026 response. They are cited to demonstrate that ACC's critique of the proposed conditions is grounded in the specific content and structure of the Applicant's proposed conditions schedule dated 02 December 2025, and in the concerns previously placed before Ministers.

End