

Tangy IV Wind Farm Section 36C Variation

Technical Appendix 3.7: Planning Conditions Summary

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As part of the Section 36C application for the Proposed Varied Development, the Applicant seeks to vary the wording of certain conditions attached to the Section 36 consent and deemed planning permission so that they reflect the revised Description of Development and the Section 36C EIA Report. The purpose of this Appendix is to identify, for each condition: whether a change of wording is sought for the varied consent; the relevant provision of the Town and Country Planning (Scotland) Act 1997 (the ‘1997 Act’) under which any change is requested; and the recommended action. It also identifies the approved documents on which the Section 36C comparative environmental assessment relies.

Tangy IV Wind Farm was granted consent on 20 December 2019 under Section 36 of the Electricity Act 1989 and a condition was applied which required development to commence within five years of the date consent was granted. Prior to the expiry of that period, the Applicant submitted a formal written request to the Energy Consents Unit seeking an extension to the commencement period for the S.36 element of the consent for a further four years. On 28 October 2024 the Energy Consents Unit agreed to extend the commencement period, meaning the Section 36 element of the consent now expires on 20 December 2028.

To establish commencement of development under the deemed planning permission, the Applicant undertook enabling works in November 2024, comprising the construction of passing places within the consented red line boundary. Those works were carried out pursuant to the deemed planning permission. Argyll and Bute Council, as the relevant planning authority in respect of that permission, confirmed in writing that those works constituted material operations and therefore commencement of development for the purposes of Section 26 of the Town and Country Planning (Scotland) Act 1997. Confirmation of this is provided at Annex 1.

Documents required to discharge pre-commencement elements of several deemed planning conditions were submitted to Argyll & Bute Council (A&BC) during 2023 and 2024. As the construction methodology and mitigation measures for the Proposed Varied Development remain largely unchanged, the majority of these documents are unaffected by the proposed variation. They are therefore considered to remain valid, and the associated conditions are considered to remain discharged.

The planning satisfaction documents which have been used or referenced in support of any part of the Section 36C comparative environmental assessment, are also included as Technical Appendices to the EIA Report. While some additional documents have been submitted to satisfy, these have not been included in the EIA Report as they have not been used for reference or in support of the S36C comparative environmental assessment. The included planning satisfaction documents are:

Technical Appendix	Title
3.7a	Construction Environmental Management Plan
3.7b	Breeding Bird Protection Plan
3.7c	Decommissioning Method Statement Tangy I and II
3.7d	Tangy IV Compensatory Planting Scheme

Confirmation of A&BC’s discharge of these conditions can be found at Annex 1.

Table 3.7A, below, provides a summary of the current status of the planning conditions relevant to this EIA Report and whether the conditions are to be reworded, alongside the relevant section of the Town and Country Planning (Scotland) Act 1997 (the ‘1997 Act’) under which the request is being made.

Table 3.7A: Planning Condition Status and changes proposed for Proposed Varied Development

Condition	Condition Status	S36C Condition Wording Change?	1997 Act reference	Recommended action / wording change
Part 1: Conditions applied to the Consented Development's S.36 consent				
1 Commencement of Development	Not satisfied however an extension to the time period was agreed with the ECU in 2024	No change	N/A	New condition to be applied to S.36C consent if granted stating the time period in which development of the Proposed Varied Development is to be commenced.
2 Non-assignment of Consent	Compliance condition	No change	N/A	No action. Standard administrative condition unaffected by the variation. To be applied to S.36C consent if granted.
3 Serious Incident Reporting	Compliance condition	No change.	N/A	No action. Standard reporting obligation. Unaffected by the variation. To be applied to S.36C consent if granted.
4 Long Term Forest Plan	Satisfied	No change	N/A	The Long-Term Forest Plan is a live document and will be revised to reflect the change in felling extent arising from the larger turbine envelope, smaller bat buffers, the larger turbine hardstandings, the revised substation location and the revised track locations. To be applied to the Section 36C consent if granted.
Part 2: Conditions applied to the Consented Development's deemed planning permission				
5 Implementation in accordance with approved plans	Compliance condition.	Varied wording to	S.57(2ZA) (b)	As drafted, the condition would not capture the S36C variations. Redraft to make reference to the 2026 S36C application and 2026 EIA Report.

Condition	Condition Status	S36C Condition Wording Change?	1997 Act reference	Recommended action / wording change
		be requested		Condition to be applied to varied deemed planning permission if permission is granted.
6 Financial Guarantee	To be discharged for the Proposed Varied Development prior to commencement.	No change.	S.57(2ZA) (c)	While no change to wording required, bond value will need to be updated to reflect the Proposed Varied Development and this will be determined and agreed prior to commencement of the Proposed Varied Development. Condition to be applied to varied deemed planning permission if permission is granted.
7 Redundant Wind Turbines	Operational condition.	No change.	S.57(2ZA) (c)	Standard operational condition. Unaffected by the variation. Condition to be applied to varied deemed planning permission if permission is granted.
8 Decommissioning Requirements (TIV)	Satisfied	No change.	S.57(2ZA) (c)	To be applied to varied deemed planning permission if permission is granted. Applicant to re-submit the draft strategy under (1) for the Proposed Varied Development if project is approved. S.36 condition text references 'SNH'. From 1 May 2020, Scottish National Heritage (SNH) was rebranded to 'NatureScot'. However, the organisation's statutory and legal identity remains 'SNH' and therefore this condition does not need to be updated to reference 'NatureScot'¹.

¹ <https://www.nature.scot/doc/naturescot-framework-document>

Condition	Condition Status	S36C Condition Wording Change?	1997 Act reference	Recommended action / wording change
				Condition to be applied to varied deemed planning permission if permission is granted.
9 Wind Turbine Locations and Micro-siting	Compliance condition.	Varied wording to be requested	S.57(2ZA) (b)	Substitute the plan reference for the new S36C layout drawing. Retain the 50m micro-siting tolerance. Update the Chapter cross-references within subsection (2) to the equivalent chapters of the S36C EIA Report. Retain (3)'s reference to peat avoidance and Peat Management Plan under Condition 13 and ECoW supervision under Condition 24. Condition to be applied to varied deemed planning permission if permission is granted.
10 Decommissioning Method Statement - Tangy I and Tangy II	Satisfied	No change	S.57(2ZA) (c)	Relates to decommissioning of the existing 22 Tangy I/II turbines and, therefore, is independent of the S36C variation. Condition has been satisfied and in the Applicant's view does not need to be applied to varied deemed planning permission if permission is granted.
11 Site Investigation Works	Satisfied	No change.	S.57(2ZA) (c)	While no change to wording required, updated information will have to be submitted for the Proposed Varied Development as current approval will not have addressed the ground investigation requirements for the enlarged hardstands, relocated substation and revised track alignments.

Condition	Condition Status	S36C Condition Wording Change?	1997 Act reference	Recommended action / wording change
				Condition to be applied to varied deemed planning permission if permission is granted.
12 Construction and Environment Management Plan	Satisfied	Varied wording to be requested.	S.57(2ZA) (b)	Update 'Section 10.6.10 of the EIA Report' to the equivalent section of the S36C EIA Report. While the majority of the CEMP information remains valid, re-submission may be required for the Proposed Varied Development to reflect changes such as proximity to watercourses. To be applied to the varied deemed planning permission if granted.
13 Peat Management Plan	Satisfied	No change.	S.57(2ZA) (c)	While no change to wording required, an updated Peat Management Plan has been provided for the Proposed Varied Development's S.36C application based on updated peat excavation volumes. Condition to be applied to varied deemed planning permission if permission is granted.
14 Shadow Flicker	Pre-commencement condition. To be discharged for the Proposed Varied Development prior to commencement.	Varied wording to be requested	S.57(2ZA) (b)	Minor change to wording to reflect S36C consent. Submit updated shadow flicker scheme for discharge informed by the updated rotor diameters from the S36C assessment. Condition to be applied to varied deemed planning permission if permission is granted.

Condition	Condition Status	S36C Condition Wording Change?	1997 Act reference	Recommended action / wording change
15 Traffic Management Plan	Pre-commencement condition. To be discharged for the Proposed Varied Development prior to commencement.	No Change	S.57(2ZA) (c)	While no change to wording required, re-submit the TMP for the varied scheme based on updated construction programme and HGV movements. Condition to be applied to varied deemed planning permission if permission is granted.
16 Road Improvement Scheme	Pre-commencement condition. To be discharged for the Proposed Varied Development prior to commencement.	No Change	S.57(2ZA) (c)	No Change Condition to be applied to varied deemed planning permission if permission is granted.
17 Road Conditions Surveys	Pre-commencement condition. To be discharged for the Proposed Varied Development	No Change	S.57(2ZA) (c)	No Change Condition to be applied to varied deemed planning permission if permission is granted.

Condition	Condition Status	S36C Condition Wording Change?	1997 Act reference	Recommended action / wording change
	prior to commencement.			
18 Temporary Road Signage and Traffic Control Measures	Operational	No Change	S.57(2ZA) (c)	No Change Condition to be applied to varied deemed planning permission if permission is granted.
19 Public Road Cleaning	Compliance	No Change	S.57(2ZA) (c)	No Change Condition to be applied to varied deemed planning permission if permission is granted.
20 Water Quality and Fish Monitoring Programme	Satisfied	No Change	S.57(2ZA) (c)	No Change. Condition to be applied to varied deemed planning permission if permission is granted.
21 Habitat Management Plan	Satisfied	Varied wording to be requested	S.57(2ZA) (b)	Update 'Appendix 10.6 of the EIA Report' to the equivalent appendix of the S36C EIA Report. The Habitat Management Plan is a live document and will be revised to reflect the updated forest to bog restoration provisions; the basis for the revised commitment is set out in Volume 2: Chapter 7: Ecology and Nature Conservation . The revisions affect the forest to bog restoration provisions only. To be applied to the varied deemed planning permission if granted.

Condition	Condition Status	S36C Condition Wording Change?	1997 Act reference	Recommended action / wording change
22 Construction Hours	Compliance	No Change	S.57(2ZA) (c)	No Change Condition to be applied to varied deemed planning permission if permission is granted.
23 Construction and Decommissioning Hours Within 1 Kilometre of Tangy Loch	Compliance	No Change	S.57(2ZA) (c)	No Change Condition to be applied to varied deemed planning permission if permission is granted.
24 Ecological Clerk of Works - Appointment	Satisfied	No Change	S.57(2ZA) (c)	No change. Condition to be applied to varied deemed planning permission if permission is granted.
25 Environmental Clerk of Works Decommissioning	Compliance	No Change	S.57(2ZA) (c)	No Change Condition to be applied to varied deemed planning permission if permission is granted.
26 ECoW Works	Satisfied	No Change	S.57(2ZA) (c)	Condition to be applied to varied deemed planning permission if permission is granted. Protected species pre-construction surveys will be re-run to be valid at the point of commencement of construction works for the varied scheme.
27 Breeding Bird Protection Plan	Satisfied	No Change	S.57(2ZA) (c)	Condition to be applied to varied deemed planning permission if permission is granted.

Condition	Condition Status	S36C Condition Wording Change?	1997 Act reference	Recommended action / wording change
				Applicant to re-submit BBPP for the varied scheme, addressing updated breeding bird data.
28 Design of sub-station and ancillary development	Satisfied	No Change	S.57(2ZA) (c)	Condition to be applied to varied deemed planning permission if permission is granted. Applicant to re-submit substation design details to account for change to shape, dimensions, location of substation
29 Design and operation of wind turbines	Satisfied	No Change	S.57(2ZA) (c)	Condition to be applied to varied deemed planning permission if permission is granted. Re-submit turbine parameters and specifications to account for Proposed Varied Development
30 Site Inspection Plan	Compliance	No Change	S.57(2ZA) (c)	Condition to be applied to varied deemed planning permission if permission is granted.
31 Aviation Safety	Satisfied	No Change	S.57(2ZA) (c)	Condition to be applied to varied deemed planning permission if permission is granted. Applicant to re-submit turbine parameters, locations, specifications, and construction dates to account for Proposed Varied Development
32 Aviation Lighting	Satisfied	No Change	S.57(2ZA) (c)	Condition to be applied to varied deemed planning permission if permission is granted Applicant to submit revised Aviation Lighting Scheme which accounts for the cardinal lighting scheme agreed with Civil Aviation Authority for 5 turbines.

Condition	Condition Status	S36C Condition Wording Change?	1997 Act reference	Recommended action / wording change
33 Compensatory Planting	Satisfied	Varied wording to be requested	S.57(2ZA) (b)	Condition has been satisfied and in the Applicant's view does not need to be applied to varied deemed planning permission if permission is granted As agreed with Scottish Forestry prior to the submission of the S.36C application, the compensatory planting scheme agreed under this condition for the Consented Development provides for more planting than the Proposed Varied Development will remove. Therefore, no change required.
34 Noise	Compliance	No Change	S.57(2ZA) (c)	No change to condition text but likely need to update Table 1 which sets out noise limits at nearby receptors. Condition to be applied to varied deemed planning permission if permission is granted

Annex 1: Correspondence

ECU extension of S.36 consent

Energy and Climate Change Directorate
Energy Consents Unit

M: 07733 002872

E: Carolyne.Paton@gov.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot

Mr Andrew Leach
SSE Renewables
1 Waterloo Street
Glasgow
G2 6AY

28 October 2024

Dear Mr Leach

Thank you for your letter dated 15 August 2024 seeking an extension to the date of commencement of the development of the consent for the Tangy IV Wind Farm from 5 years to 9 years.

As you are aware, the consent for the Tangy IV Wind Farm development was granted on 20 December 2019 by the Scottish Ministers and states at condition 1 of Part One:

- (1) Development shall be commenced no later than 5 years from the date of this consent, or in substitution such period as the Scottish Ministers may hereafter direct in writing.
- (2) Written confirmation of the intended date of Commencement of Development shall be provided to both the Planning Authority and the Scottish Ministers as soon as is practicable after deciding on such a date.

Reason: *To avoid uncertainty and ensure that consent is implemented within a reasonable period, and to allow the Planning Authority and the Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.*

Notification

The Scottish Ministers notified SEPA, NatureScot, Historic Environment Scotland (HES) and Argyll and Bute Council advising of the request for an extension and inviting comments.

SEPA, HES and NatureScot responded with no objection to the proposed extension of time.

Scottish Government, 5 Atlantic Quay, 150 Broomielaw, Glasgow
www.scotland.gov.uk



Argyll and Bute Council did not provide comments. The Scottish Ministers remain satisfied however that all appropriate safeguards relating to their interests are addressed in planning conditions which they will discharge, monitor and enforce.

The Scottish Ministers Considerations

The Scottish Ministers are satisfied that the consented development is supported by policy, primarily in that it makes a noteworthy contribution towards meeting greenhouse gas emission and renewable electricity targets.

The Scottish Ministers have considered your request and are content to afford the additional time period of 4 years, for the commencement date of the section 36 consent, to enable this project to be fully realised.

The Scottish Ministers therefore direct that for the purposes of condition 1(1) of the Tangy IV Wind Farm section 36 consent, commencement of development must be no later than 9 years from the date of the grant of the section 36 consent.

The Scottish Ministers grant your request for an extension to the commencement of development date of the section 36 consent for the Tangy IV Wind Farm development described in the decision letter dated 20 December 2019. **The section 36 consent Commencement of the Development must be no later than 20 December 2028.**

In terms of condition 1(1), if Commencement of the Development does not occur within the 9 year period ending 20 December 2028 the application site must (unless otherwise agreed in writing by the Scottish Ministers), within 6 months of the expiry of that period, be fully reinstated by the Company to the specification and satisfaction of the Scottish Ministers, in consultation with the Planning Authority.

Yours sincerely,



Carolyn Paton
A member of the staff of the Scottish Government

Scottish Government, 5 Atlantic Quay, 150 Broomielaw, Glasgow
www.scotland.gov.uk



A&BC confirmation of commencement of development



[EXTERNAL] Tangy IV Follow up from meeting 7th August 2024 [OFFICIAL]

From: Knox, Arlene <Arlene.Knox@argyll-bute.gov.uk>
Date: Thu 8/22/2024 4:07 PM
To: Leach, Andrew <Andrew.Leach@sse.com>
Cc: Murray, Fergus <Fergus.Murray@argyll-bute.gov.uk>; Davies, Sandra <Sandra.Davies@argyll-bute.gov.uk>

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Classification: OFFICIAL

Good Afternoon Andrew,

Having now discussed the points raised at your meeting on the 7th August with Fergus Murray, Head of Development & Economic Growth I would respond as follows:

Commencing Development – I would confirm that in terms of Section 26 of the TCPA 1997 we are satisfied that the planned passing place construction works will constitute a meaningful start and therefore commencement of development.

Condition discharge & timeline – It is acknowledged that the details pursuant to the remaining four conditions are to be submitted within the next month. I will provide an update on the other 14 conditions separately.

Seeking an extension to S36 implementation – I would confirm that at this stage, based on the information provided we can see no reason why we would object to the ECU's suggestion to extend Tangy's Implementation period from December 2024 to December 2028.

Should you require anything further please do not hesitate to contact me.

Kind Regards

Arlene

Arlene Knox BSc MA MRTPI
Senior Planning Officer
Development Management
Development and Economic Growth
Argyll and Bute Council

A&BC confirmation of discharge of Condition 12: Construction Environmental Management Plan and Condition 10: Decommissioning Method Statement for Tangy I and II

[EXTERNAL] Tangy IV windfarm conditions <18/02014/S36>

From Ramsay, Stuart <Stuart.Ramsay@argyll-bute.gov.uk>

Date Fri 10/11/2024 4:20 PM

To Leach, Andrew <Andrew.Leach@sse.com>

Cc Davies, Sandra <Sandra.Davies@argyll-bute.gov.uk>; Knox, Arlene <Arlene.Knox@argyll-bute.gov.uk>

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Classification: OFFICIAL

Hi Andrew, hope you've had a good week.

As promised I've had a look at the Sect 36 file for the Tangy IV windfarm project and in respect of the discharge of planning conditions can advise the following.

Note that Condition 8, Decommissioning Requirements has already been discharged. Consider that sufficient information has been provided to enable the following conditions to be discharged,

Condition 10 – Decommissioning Method Statement for Tangy I and Tangy II,

Condition 11 – Site Investigatory Works,

Condition 12 – Construction and Environmental Management Plan.

With regard to the other outstanding pre-start conditions that require to be discharged I can advise as follows,

Condition 6 – Financial Guarantee. The sum proposed is presently being considered and we will revert back to you as soon as possible to advise the position,

Condition 13 – Peat Management Plan. Email sent to SEPA seeking an update on a response to the PMP info submitted,

Condition 14 – Shadow Flicker Mitigation Scheme. Email to Environmental Health seeking update on the info provided,

Roads conditions 15, 16 and 17, covering TMP, Road Improvement Scheme and Road Condition Survey. Email sent to our Roads Service to seek update on info submitted to date.

Due to other competing work commitments I've yet to look at the remaining conditions, including conditions 20, 21, 24, 26, 27, 28, 29, 31, 32 and 33, which I'll aim to do when I return from annual leave w/c 21st Oct.

Trust the above explains the current position.

Best regards,

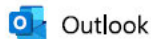
Stuart

Stuart W Ramsay

A&BC confirmation of discharge of Condition 27: Breeding Bird Protection Plan

Tangy IV Wind Farm S36C Application
Technical Appendix 3.7: Planning Conditions Summary

A&BC confirmation of discharge of Breeding Bird Protection Plan



[EXTERNAL] RE: Tangy IV: Condition 27 - Breeding Bird Protection Plan <18/02014/S36>

From Ramsay, Stuart <Stuart.Ramsay@argyll-bute.gov.uk>

Date Wed 11/13/2024 12:12 PM

To Leach, Andrew <Andrew.Leach@sse.com>

1 attachment (509 KB)

27 - Bird Breeding Plan discharge email.pdf;

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Classification: OFFICIAL

Hi Andrew, please see attached a copy of an email on our file from NatureScot, confirming agreement to the submitted Bird Breeding Protection Plan (BBPP). This permits condition 27 to be part discharged, subject to the works being carried out in full accordance and continued compliance with the approved BBPP.

Best regards,

Stuart

Stuart W Ramsay
Senior Planning Officer – Major Applications Team
Development Management
Development and Economic Growth
Argyll and Bute Council

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www.abplace2b.scot

Further detail on [Planning Service Status](#) is available on the Council website.

British Sign Language (BSL) users can contact me direct by using [contactSCOTLAND-BSL](#)



A&BC confirmation of discharge of Condition 33: Compensatory Planting Scheme



[EXTERNAL] <18/02014/S36> Tangy IV Windfarm conditions discharge

From Ramsay, Stuart <Stuart.Ramsay@argyll-bute.gov.uk>

Date Thu 11/21/2024 12:07 PM

To Leach, Andrew <Andrew.Leach@sse.com>

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Classification: OFFICIAL

Hi Andrew, thanks for your time this morning to discuss progress with the discharge of various planning conditions attached to the Sect 36 approval for the Tangy IV windfarm project.

I can now advise that further to the submission of required information, and following feedback from a number of consultees, I can discharge the following conditions:

Condition 20(1) – Water Quality and Fish Monitoring Programme

Condition 24(1) – Ecological Clerk of Works

Condition 26 – EcoW Works (pre-construction surveys)

Condition 31 – Aviation Safety

Condition 33 – Forestry – Compensatory Planting

In addition, as discussed earlier, I'll seek to discuss the 3 prestart roads conditions (15, 16 and 17) and the shadow flicker scheme condition (14) with my internal service colleagues. With regard to the financial guarantee condition, I am hopeful we will be able to send this to Ironside Farrar for peer review shortly before I can formally discharge this condition.

Trust the above explains the current position, however, please give me a call or drop me an email should you wish to discuss any of the above further.

Best regards,

Stuart

Stuart W Ramsay

Senior Planning Officer – Major Applications Team

Development Management

Development and Economic Growth

Argyll and Bute Council

01546 604545

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