

**ELECTRICITY ACT 1989  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

PROPOSED AN CARR DUBH WIND FARM  
DPEA REFERENCE: WIN-130-10

**AGENDA FOR PRE-EXAMINATION MEETING TO BE HELD VIRTUALLY  
ON WEDNESDAY 5 MARCH 2025 AT 2PM**

**Please refer to the appendices and notes attached to the agenda**

1. Introduction by reporter and purpose of the pre-examination meeting
2. Introduction of those representing the parties
3. [Code of Practice](#) for handling inquiries under the Electricity Act 1989 – the reporter will be seeking agreement that the code of practice can be followed
4. Any updates to parties' positions
  - Applicant wishes to submit information on maximising economic benefit
5. Reporter's provisional assessment of the main issues to be addressed and those requiring further procedure – see Appendices 1 and 2
6. Dates, format, location and likely duration of oral sessions
  - The provisional format is for virtual sessions but the potential suitability or need for in-person or hybrid process can be discussed – an appropriate venue will need to be decided if sessions will be in-person
  - The provisional timescale is for oral sessions during week commencing 9 June 2025
7. Arrangement and timetable for documents, written submissions, and statements (see Appendix 3)
8. Site inspections – the reporter intends to undertake unaccompanied site inspections before the oral sessions
9. Miscellaneous – DPEA contact, webcasting, note of meeting
10. Any other relevant matters

Note: If you require further information on the arrangements for this pre-examination meeting, please contact Rebecca Davidson at [rebecca.davidson@gov.scot](mailto:rebecca.davidson@gov.scot) or by phone on 0131 244 8263 EXT: 48263.

## Appendix 1: Reporter's provisional arrangements for hearing of evidence

Issue	Inquiry session	Hearing session	Further written submissions	No further procedure
Landscape and visual effects, including design considerations		X		
Energy and planning policy		X		
Draft planning conditions		X		
Socio-economics			X	
Ornithology – in particular golden eagle and white-tailed eagle			X	
Other ecology matters, including fisheries				X
Hydrology, geology, and peat				X
Cultural heritage and archaeology				X
Traffic and transport				X
Noise and vibration				X
Aviation safety				X
Telecommunications				X
Forestry				X

## **Appendix 2: Suggested scope of further procedure**

### Hearing session: landscape and visual effects, including design considerations

- Effects on landscape character types (LCTs), including LCT7 craggy upland, LCT6a Loch Fyne upland forest moor, and LCT20 rocky mosaic
- Effects on designations including North Argyll area of panoramic quality
- Visual effects on settlements, in particular Dalavich and Inverinan
- Effects on key routes, in particular minor road west of Loch Awe (and cycle route) and B840 near Ford
- Significance of visual effects at locations in and around Dalavich, as represented by viewpoint 2 (Dalavich jetty), viewpoint 5 (minor road north of Dalavich), and viewpoint 11 (Loch Avich)
- Significance of effect on views from the Dùn na Cuaiche folly within the Inveraray Castle garden and designed landscape (viewpoint 4)
- Cumulative effects with existing, consented, or planned wind farms
- Night-time effects of aviation lighting, including proposed mitigation
- Overall design considerations, including scale, height, and layout, and relationship with existing and consented wind farms nearby
- Potential for mitigation to reduce effects, taking account of relevant constraints

### Hearing session: energy and planning policy

- Renewable energy policy framework
- National Planning Framework 4 (NPF4) (2023)
- Argyll and Bute Local Development Plan 2 (ABLDP2) (2024)
- Argyll and Bute Landscape Wind Energy Capacity Study (2017)
- Other relevant planning guidance

### Hearing session: planning conditions

In preparation for the hearing:

- The applicant should liaise with the council to draft a set of conditions that are intended to apply to the Section 36 application and deemed planning permission in the event Scottish Ministers approve the proposal
- Parties should prepare a hearing statement setting out the proposed set of agreed conditions, highlighting points of disagreement and alternative positions
- Explanation should be provided as to how the conditions address matters raised in consultation responses and in written submissions, for example SEPA indicates it objects unless a particular matter is addressed by condition

### Further written submissions

- The applicant's position statement indicates it wishes to submit further information regarding maximising economic benefit
- A response by the applicant to outstanding ornithology matters raised by NatureScot (19 March 2024) relating to golden eagle displacement, the proposed access track, white-tailed eagle collision risk modelling (CRM), and the proposed Outline Restoration and Enhancement Plan (OREP)

## **Appendix 3: Notes accompanying the agenda**

### **Note 1: Arrangements for the pre-examination meeting**

The meeting will take the form of a virtual meeting, hosted by DPEA using the Teams platform. It will be chaired by Philip McLean, a reporter with the Scottish Government's Planning and Environmental Appeals Division (DPEA).

For parties wishing to be represented by more than one person, representatives may join the meeting on separate lines. Participants are reminded that a virtual presence of those only wishing to observe is not essential, as the DPEA will livestream the meeting and make it available to view on its webcasting site thereafter.

The DPEA will be in touch prior to the meeting to run a test to ensure that all equipment is in working order and that everyone can participate.

### **Note 2: Purpose of the pre-examination meeting**

The PEM's purpose is solely to discuss the administrative arrangements for the inquiry and for the disclosure of the cases parties wish to make. There will be no discussion of the merits or otherwise of the application, or details of parties' cases.

### **Note 3: Code of practice**

For those unfamiliar with the inquiry process, there are no prescribed rules for the conduct of inquiries under the Electricity Act 1989, and the procedure to be followed is a matter for the discretion of the reporter.

In this case, it is intended that the inquiry will be conducted in accordance with the Code of Practice for handling inquiries under the Electricity Act 1989 (see <https://www.gov.scot/publications/electricity-act-inquiries-guidance/>).

Essentially, the Code of Practice allows flexible procedures to be adopted – each issue can be dealt with by the most appropriate method of examination. This could be an inquiry or hearing session or further written submissions.

### **Note 4: Suggested scope of further procedure**

Appendix 1 attached to this agenda is a provisional list of the main issues to be addressed in the report to the Scottish Ministers and the further procedure to be adopted. The parties will be asked for their views on this and whether any topics are missing. Parties will also be asked to comment on the suggested procedure to consider each topic – further written submissions, hearing or inquiry session, or no further procedure (on the basis that there is sufficient information before the inquiry).

The suggested scope of further procedure is set out in Appendix 2.

### **Note 5: A virtual, in-person, or hybrid inquiry**

In the past hearings and inquiries were typically held in local venues, however recent experience shows virtual process can work effectively. Efficiency and accessibility considerations indicate virtual process may be appropriate for short inquiries and

where there is limited or no direct wider public involvement. The use of live webcasting ensures such process is transparent and is effectively being held in public. Please refer to DPEA Guidance Note 23:

<https://www.gov.scot/publications/planning-appeals-reporters-guidance/>.

In this instance, given the lack of representations on the application and the fact there are only two parties opted in to participate in the inquiry, the reporter's provisional view is that virtual sessions may be most appropriate. However, the potential suitability or need for in-person sessions can also be considered, in which case an appropriate venue in the local area will need to be decided.

#### **Note 6: Arrangements for a single core document list**

Parties should liaise to provide a single core document list that is managed by one party, typically the applicant. This matter will be discussed at the meeting.

DPEA already holds a large number of application documents for the case. There is no need to add all of these to the core document list as they already form part of the file and will be taken into account. The core document list should be restricted to those documents parties expect to refer to in the oral sessions or rely on in evidence.

For ease of administration, core documents should not be re-submitted where they are already held by DPEA (whether because they are already on the case file, or they are held on other cases or within our document libraries). Hyperlinks to these documents on DPEA's website should instead be included in the core document list.

DPEA's preferred method for the submission of documents is the file transfer tool Objective Connect. We will set up a workspace to allow the transfer of documents and will issue invites to parties in due course.

More detailed guidance on preparing a core document list and on the use of Objective Connect will be issued alongside the note of the pre-examination meeting.

#### **Note 7: Timetable for documents, written submissions, and statements**

For the benefit of those who may be unfamiliar with the inquiry procedures (which could include those watching the webcast), the reporter will briefly explain the nature of hearing and inquiry sessions and the expectations placed on participants.

Parties taking part in the oral sessions will need to disclose the cases that they intend to lead in advance of the sessions taking place. The deadlines for the required written submissions, statements, and other information will be set out in the note of the pre-examination meeting. The provisional timetable is as follows (based on oral sessions taking place during the week of 9 June 2025):

- Core documents list: draft list to be submitted **4 weeks** after the pre-examination meeting (i.e. **2 April 2025**). Final core documents list (all inquiry/hearing documents) to be submitted **4 weeks** in advance of the oral sessions start date (i.e. **12 May 2025**).

- Further written submissions: to be submitted within **3 weeks** from a further Procedure Notice issued by the reporter in due course. Any comments on the submissions to be lodged by others **3 weeks thereafter**.
- Statements of Agreed Matters: in order to allow the inquiry to focus on matters in dispute, a statement on agreed matters should be prepared and submitted **8 weeks in advance** of the oral sessions start date (i.e. **14 April 2025**).
- Hearing statements (for those taking part in hearing sessions): to be submitted **6 weeks in advance** of the oral sessions start date (i.e. **28 April 2025**). The statements should provide full details of the case to be put forward, list the documents that will be referred to, and specify the witnesses that will speak. No word limit applies;
- Conditions: a first draft of the proposed conditions, with initial responses of each party, to be lodged **4 weeks** after the pre-examination meeting (**2 April 2025**). An updated draft of proposed conditions to be submitted **6 weeks** in advance of the inquiry start date (i.e. **28 April 2025**).

All statements, written submissions, and documents should be submitted in electronic format to DPEA and copied to other relevant parties. The exception is any large format plans and/or visualisations, which should also be issued in paper form.

Closing submissions will be invited to be made in writing in the days after the close of the inquiry. The timing of submissions will be confirmed at the inquiry.

### **Note 8: Site inspections**

Before the inquiry, the reporter will make unaccompanied site inspections to some or all of the viewpoints and other key locations referred to the Environmental Impact Assessment Report and consultation responses.

He intends to visit all viewpoints on land where significant visual effects are identified by the applicant, namely viewpoints 2, 4, 5, 7, 9, 11, 13, 15, and 16. Viewpoint 1 will not be visited due to its location on the open waters of Loch Awe.

Parties will be asked at the PEM if there are other viewpoints or locations they consider the reporter should visit.

If the reporter considers an accompanied visit to the site itself is necessary, or to any other locations (for example to view properties in the area) then arrangements can be made before or during the inquiry.

### **Note 9: Miscellaneous – note of pre-examination meeting and DPEA contact details**

A note of the pre-examination meeting will be issued as soon as possible after the meeting. All contact with DPEA, including the submission of documents, should be via the case officer Rebecca Davidson in the first instance. Her contact details are:

Ground Floor, Hadrian House, Callendar Business Park, Falkirk FK1 1XR  
email: rebecca.davidson@gov.scot / tel: 0131 244 8263 EXT: 48263