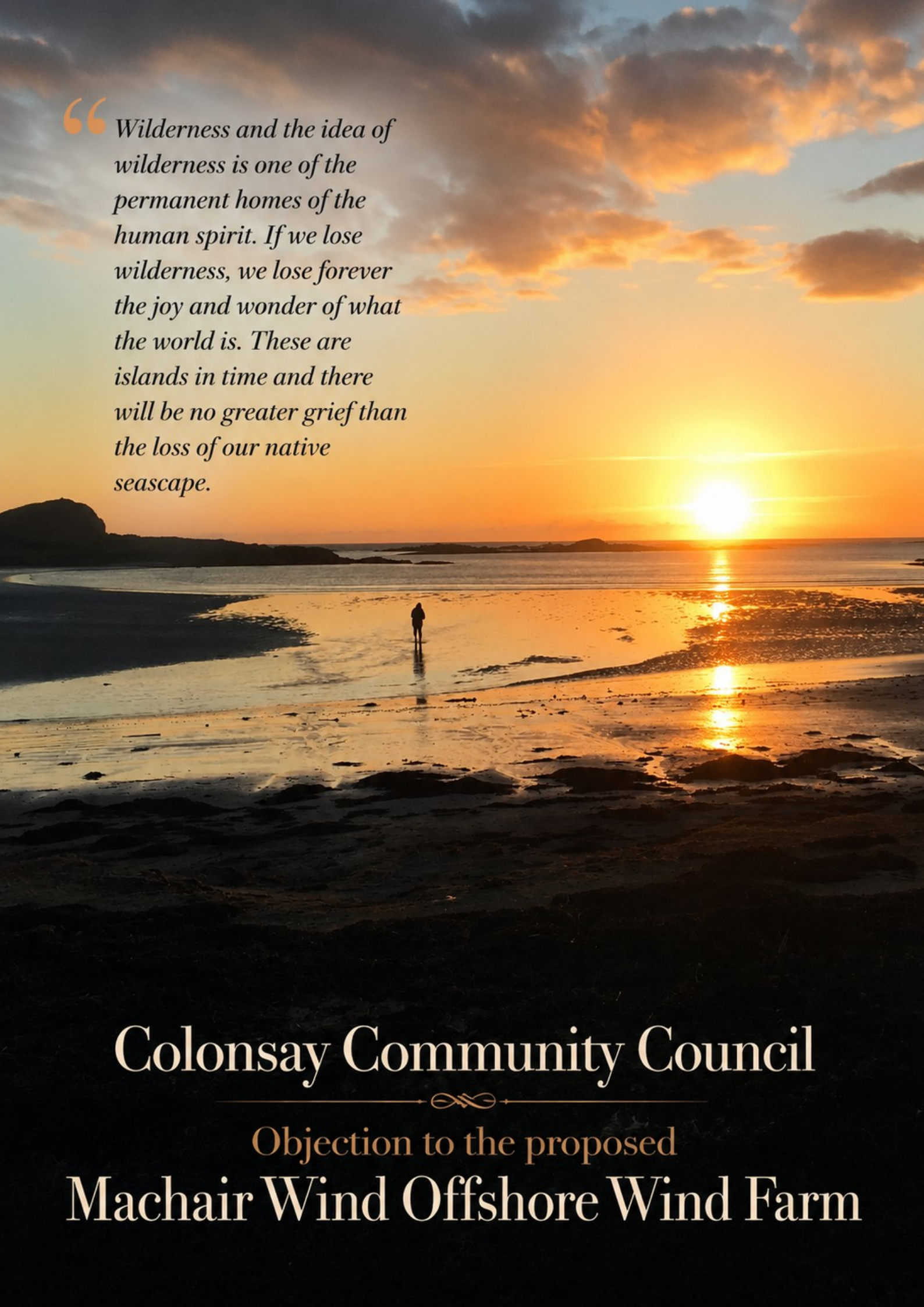


A full-page background image showing a sunset over a beach. The sun is low on the horizon, creating a bright orange glow that reflects on the wet sand and water. A single person stands in the shallow water, their silhouette reflected. The sky is filled with soft, orange-tinted clouds. The overall mood is serene and contemplative.

“ *Wilderness and the idea of wilderness is one of the permanent homes of the human spirit. If we lose wilderness, we lose forever the joy and wonder of what the world is. These are islands in time and there will be no greater grief than the loss of our native seascape.*

Colonsay Community Council

Objection to the proposed
Machair Wind Offshore Wind Farm

Contents

Introduction.....	2
The approach taken to the legal framework.....	3
Ground 1 – A site chosen without due process of consultation with Colonsay’s island community..	4
Ground 2 – Major, severe and significant impact to Colonsay’s coast, on the applicants own evidence, with no mitigation.....	5
Ground 3 – Oronsay priory, scheduled ancient monument, significant adverse impact on the both the Priory and its setting	8
Ground 4 – An island economy the assessment never visits.....	10
Ground 5 – Construction noise, unassessed for those who will hear it.....	13
Ground 6 – The seabirds of Colonsay’s western cliffs special protection area.....	13
Ground 7 – Half a project.....	15
Weighing the proposal.....	16
What the Community Council asks of the Scottish Ministers.....	17
References.....	19

Introduction

1. This objection is submitted by Colonsay Community Council in response to the applications made by MachairWind Limited for consent under section 36 of the Electricity Act 1989, and for the associated marine licences under Part 4 of the Marine (Scotland) Act 2010, to construct and operate the MachairWind Offshore Wind Farm in the waters north-west of Islay and west of Colonsay (Marine Directorate references 00012385 and 00012386, submitted on 25 June 2026) [1][2][3].
2. Colonsay Community Council is the community council for the islands of Colonsay and Oronsay, constituted under Part IV of the Local Government (Scotland) Act 1973. Its statutory purpose, set by section 51(2) of that Act, is to ascertain, co-ordinate and express to public authorities the views of the community it represents, and to take such action in the interests of that community as appears to it expedient and practicable [4]. The Scottish Ministers, who will determine these applications, are such an authority, and this objection is made in fulfilment of that purpose. The relevant planning authority for the purposes of the 1989 Act is Argyll and Bute Council; the Community Council writes as the voice of the community itself [2].
3. Colonsay measures roughly eight miles by three. It lies in the open Atlantic between Islay and Mull, with Oronsay joined to its southern end across the tidal sands of the Strand. The island is known, with good reason, as the Jewel of the Hebrides: golden beaches such as Kiloran Bay, high western cliffs, machair bright with wildflowers in summer, genuinely dark night skies, and a stillness that has all but vanished elsewhere. A small, close-knit permanent community lives here year round. Its economy rests almost entirely on visitors, and visitors come for one reason: the island's unspoilt character. Colonsay faces west. The clean Atlantic horizon beyond its beaches and cliffs is not scenery incidental to island life; it is the island's principal asset, economically and in every other sense.
4. The Community Council wishes to be clear at the outset about what this objection is, and what it is not. It is not opposition to offshore wind, and it is not a demand that these waters be left untouched. The community accepts, and has said throughout, that a wind farm off Colonsay's west coast could be acceptable if it were scaled to its setting. The principle is one of simple proportion: a development close to a stunning, scenic, pristine Atlantic inhabited coast must be modest, and a vast development must stand far away. What has been applied for honours neither half of that principle.
5. The proposal is a development area of 448 km² holding up to 144 turbines, with structures reaching 335 m to blade tip, higher than the Eiffel Tower and higher than any building in the United Kingdom, and it begins approximately 12.4 km from Colonsay and about 12 km from Oronsay, the nearest inhabited islands to it [5][6][38]. The applicant's own environmental assessment concludes that the development would have major, significant adverse effects on Colonsay and Oronsay [6][8]. Nothing in the application mitigates those effects; the community that would live with them has never been the subject of any socio-economic study by the applicant; and, as set out under Ground 1, that community was not consulted when the site was selected. The Community Council therefore asks the Scottish Ministers to refuse both applications. Its requests in full, including what it asks in the alternative should the Ministers be minded to grant consent, appear in the final section of this objection.
6. The objection is advanced on seven grounds: first, that the site was selected without consulting the islands most affected and in disregard of the statutory adviser's own design guidance (Ground

1); secondly, that the development would cause major and significant harm to Colonsay's coast which the applicant has identified but not mitigated (Ground 2); thirdly, that it would irrevocably devastate the setting and sense of place of the listed scheduled monument, Oransay Priory (Ground 3); fourthly, that the socio-economic effects on the island have never been assessed (Ground 4); fifthly, that construction noise as experienced on Colonsay has not been assessed (Ground 5); sixthly, that unresolved scientific doubt attaches to the protected seabird colony of Colonsay's own cliffs (Ground 6); and seventhly, that only part of the project has been put forward for assessment (Ground 7).

The approach taken to the legal framework

7. This objection does not set out the planning framework at length; each ground below identifies the tests it engages. Three points about the framework as a whole should nevertheless be stated first, because they shape everything that follows.
8. First, the statutory anchor for the marine licences is section 15 of the Marine (Scotland) Act 2010, which requires authorisation decisions to be taken in accordance with Scotland's National Marine Plan unless relevant considerations indicate otherwise, and requires reasons to be given for any departure [3][10]. The Plan's General Policies ("GEN" policies) are expressed as planning policy, and several of them, as the grounds below show, this proposal cannot satisfy. The wider planning judgement is governed by the development plan: National Planning Framework 4 ("NPF4", adopted 13 February 2023) together with the Argyll and Bute Local Development Plan 2 (adopted 28 February 2024) [9][35]. In determining a section 36 application the Ministers are also under the duty in Schedule 9, paragraph 3 to the 1989 Act to have regard to the desirability of preserving natural beauty, conserving flora and fauna, and protecting sites and buildings of historic or archaeological interest, and to do what they reasonably can to mitigate effects on those matters [2].
9. Secondly, the Community Council accepts without hesitation that NPF4 Policy 11 attaches significant weight to a proposal's contribution to renewable energy and emissions targets [9]. That weight is real, but the policy conditions it in four ways which matter here. Policy 11(c) supports proposals only where they maximise net economic impact including local and community benefit; Policy 11(d) sends impacts on national designations to the protective tests of Policy 4 rather than allowing the renewable weight to override them; the concession in Policy 11(e)(ii), that significant landscape and visual impacts will generally be acceptable, is available only where those impacts are localised and/or appropriate design mitigation has been applied; and Policy 11(f) expects areas identified for wind farms to be suitable for that use in perpetuity, with repowering, extension and expansion expressly supported under Policy 11(a)(i), so that the 35-year operational life quoted by the applicant is not the true measure of what is being decided [9].
10. Thirdly, the burden of demonstrating compliance with the statutory and policy framework rests with the applicant. Under the Habitats Regulations, consent is lawful only where no reasonable scientific doubt remains that protected site integrity will be unaffected [17][27]. NPF4 Policy 4(a) withholds support from development whose type, location or scale makes its impact on the natural environment unacceptable. NPF4 Policy 7 requires development to protect and enhance historic assets and their settings, with significant adverse effects requiring clear justification and public benefits capable of outweighing that harm. GEN 19 of the National Marine Plan requires decisions to rest on sound socio-economic evidence, directing that where evidence is

inconclusive the gaps be filled and the precautionary principle applied [9][10]. The Community Council does not offer rival expert assessments and does not need to. Each ground below is constructed from the applicant's own documents, the advice of the statutory consultees, and the published record. Where the applicant's investigations stop short of demonstrating compliance, the statutory and policy framework does not resolve that shortfall in the applicant's favour. It requires precaution.

Ground 1: A site chosen without due process of consultation with Colonsay's island community

11. The site now called MachairWind entered the system as the W1 Plan Option of the Sectoral Marine Plan for Offshore Wind Energy. The draft of that Plan was consulted on between 18 December 2019 and 25 March 2020, the final Plan was published on 28 October 2020, and the seabed rights were awarded to ScottishPower Renewables in the ScotWind round in January 2022 [13][14]. The applicant and the Scottish Government have both described the Plan process as one of extensive consultation [13].
12. For the islands that would actually face this development, that description does not survive contact with the record. The Scottish Government's own account of the consultation events for the draft Plan shows that not one was held on Colonsay, on Mull or on Iona. The programme reached Oban, and it reached Islay, and it went no further [13]. The location of a nationally significant energy development was settled, in other words, without the communities on whose horizon it would stand ever being brought into the process.
13. GEN 18 of the National Marine Plan requires engagement that is appropriate, proportionate and meaningful, undertaken as early as possible, with the views expressed treated as a consideration in decision-making (paragraph 4.77) [10]. Measured against that policy, the plan-stage engagement with Colonsay failed. And the failure has a practical consequence for the present applications: this objection is the first genuine opportunity the island has had to address the suitability of the location, arriving only after the site has been identified, leased, and carried through years of development and investment.
14. There is a second respect in which the plan stage should trouble the Ministers. On 25 March 2020, Scottish Natural Heritage (now NatureScot), the Government's statutory adviser on landscape and the natural heritage, issued supplementary advice on the draft Plan containing an assessment of seascape, landscape and visual impacts and design guidance for the plan options. For these waters, its guidance was explicit [12]:

“Limit development to beyond 35km from Colonsay and Islay.”

(Scottish Natural Heritage, Supplementary Advice to SNH Consultation Response, Draft Sectoral Plan for Offshore Wind, 25 March 2020) [12]
15. The same advice recommended a maximum turbine height of 200 metres [12]. What has now been applied for breaches both limits at once, and by wide margins: turbines of up to 335 m, more than two-thirds above the advised ceiling, at approximately 12.4 km from Colonsay, roughly a third of the advised separation [5][12]. The Community Council accepts that plan-stage design guidance does not bind an applicant. But the guidance defined the envelope which the Government's own adviser judged this coast could bear, and the consequence of ignoring it is

- written into the applicant's own assessment: the major, significant effects on Colonsay and Oronsay examined under Ground 2 are exactly the outcome the advice existed to prevent.
16. The timing of the Plan raises a third issue, under the Islands (Scotland) Act 2018. The Act received Royal Assent on 6 July 2018, and Part 3, containing the duty to prepare an island communities impact assessment where a policy or strategy is likely to affect an island community significantly differently from other communities, was brought into force on 23 December 2020 [15]. The Sectoral Marine Plan was published on 28 October 2020, eight weeks before that duty took effect [13][15]. The Plan which fixed W1 as a development location therefore never underwent the island-communities scrutiny Parliament had legislated for, and it escaped that scrutiny by a matter of weeks, in a process which, as set out above, had involved no consultation on the affected islands at all. Had Part 3 been in force when the Plan was published, the Community Council's position is that adopting W1 without an island communities impact assessment would have been open to legal challenge.
 17. Parliament anticipated exactly this situation. Section 14(1) of the 2018 Act provides:

“A local authority listed in the schedule may make a request to the Scottish Ministers to prepare and publish a retrospective island communities impact assessment in relation to existing legislation or national strategies which have an effect on an island community which is significantly different from their effect on other communities (including other island communities) in Scotland.”

(Islands (Scotland) Act 2018, section 14(1)) [15]
 18. The Community Council will be asking Argyll and Bute Council to make a section 14 request in respect of the Sectoral Marine Plan for Offshore Wind Energy, on behalf of the island communities of Colonsay, Mull and Iona [15].
 19. For the determination now in hand, three things follow. The site-selection process should be given no weight as validation of this location. The island communities impact assessment duty arising on this decision must be discharged as the statutory guidance under section 11 requires, through meaningful engagement with the affected island communities from beginning to end and not as a box-ticking formality [15]. And the Ministers should keep in view that the plan on which the applicant's case ultimately rests has never received the island-communities scrutiny the law now demands [13][15].

Ground 2: Major, severe and significant impact to Colonsay's coast, on the applicants own evidence, with no mitigation

The severity of the harm is the applicant's own finding

20. The Community Council does not need to establish how serious the visual harm to Colonsay would be, because the applicant has established it. The Coastal Character assessment prepared for the applicant examines the stretches of Colonsay and Oronsay coast nearest the development and, for every one of them, records a High magnitude of impact and a major, significant adverse effect; for West Colonsay it records in addition High sensitivity, a Large scale of change and a Large geographical extent of effects [6]. Those findings are collected in Table 1. The applicant's Planning Statement puts the overall position in a single sentence: “Major adverse effects were primarily predicted on Colonsay and Oronsay and northwest / west Islay” [8].

Table 1 – The applicant's published findings for the Colonsay and Oronsay coast

Receptor	Approx. distance from development	Magnitude of impact	Effect
West Colonsay (CCA 11)	~12 km	High	Major and significant
Oronsay (CCA 13)	~12 km	High	Major and significant
The Strand (CCA 12)	~13 km	High	Major and significant
Kiloran Bay to Eilean Dubh (CCA 9)	~17 km	High	Major and significant

Source: EIAR Appendix 16.3, Coastal Character Baseline and Assessment (LUC, November 2025) [6].

21. What those ratings mean on the ground deserves to be spelled out. Colonsay's daily life is oriented to its western coast: the beaches, the cliffs, the machair, and beyond them an ocean horizon on which, today, nothing stands and nothing shines. The proposal would place along that horizon, starting some 12.4 km out, ranks of rotating machines taller than any building in Britain, and would light them for aviation and navigation so that a sky which is now wholly dark would carry a field of lights every night [5][38]. On the applicant's stated figures this continues for an operational life of 35 years; on the terms of NPF4 Policy 11(f) and 11(a)(i), which expect wind farm areas to be suitable for that use in perpetuity and support repowering and expansion, it should be treated as permanent [5][9]. The National Marine Plan directs particular care where development may affect largely undeveloped or unspoiled coast (paragraph 4.30); it would be difficult to find a coast in Scotland answering that description more completely than this one [10].

The claim of design refinement does not withstand examination

22. The applicant's Planning Statement presents the sensitivities of the surrounding landscapes and island communities as key drivers of significant refinements to the boundary and design of the development [8]. The Community Council has tested that claim against the published boundary information, so far as it concerns Colonsay, and it fails. On the Community Council's analysis, the development boundary facing the island has shifted approximately 400 m further away since the original scoping boundary: an improvement in separation of around three per cent [1][5]. Against a gap of some 12 km and machines a third of a kilometre tall, a 400 m adjustment is cosmetic, and its irrelevance is confirmed by the outcome: the final assessment still returns High magnitude and major, significant effects for every Colonsay receptor examined [6]. The Statement's accompanying suggestion that effects soften to moderate with distance is a description of receptors further afield. It is not a description of Colonsay, and it should not be allowed to blur what the assessment actually records for the islands nearest the turbines [6][8].
23. Nor can the design envelope itself supply an answer. The envelope trades height against numbers and nothing else: 91 turbines at up to 335 m, or 144 at up to 280 m, so that any reduction in height is bought with greater density across the 448 km² area [5]. Through consultation the applicant trimmed the maximum tip height from 340 m to 335 m and the maximum count from 147 to 144, stating that this was done to reduce the magnitude of change on seascape receptors [5]. Five metres off a 335 m tower reduces nothing that matters; but the stated reason for the trim is itself a concession that the seascape effect is real and adverse.

The measures described as mitigation are not mitigation

24. Against effects its own consultants rate major and significant, the application offers three measures. None mitigates anything.
- **M-20**, a lighting plan, would regulate how the development is lit. It cannot alter the fact that a dark horizon becomes a lit one, and it reduces the daytime visual effect not at all [1].
 - **M-43** records that the northern and eastern development boundary was set using a buffer of at least 12 km from the nearest points of Islay and Colonsay, and anticipates further boundary refinement following surveys and stakeholder feedback [1]. This is not a mitigation measure; it is a restatement of the baseline design. The 12 km separation is precisely the configuration in which the applicant's assessment finds major, significant harm [6], so the measure offers the cause of the effect as its cure. The anticipated refinement, meanwhile, has amounted for Colonsay to the 400 m described above.
 - **M-47** is cited in the application documentation, but the Community Council has searched for it and cannot find it. The Ministers are asked to require the applicant either to produce the measure or to confirm that the reference is an error [1].
25. Real mitigation was available. The Guidelines for Landscape and Visual Impact Assessment recognise primary mitigation through changes to a development itself: relocating elements, redesigning the footprint, altering the layout to protect sensitive views [11]. Two such options exist here and neither has been taken. The array, or at least its eastern flank, could stand further west, using floating foundations as the water deepens, opening the distance to Colonsay; or smaller turbines could be deployed and a lower output accepted from the site. The applicant's own derogation papers put beyond doubt that these choices were considered: a reduced development area and a reduced turbine count were both examined and both rejected, not as unworkable, but as inconsistent with the applicant's objective of extracting maximum generation capacity from the site (see Ground 6) [26]. The harm to Colonsay is therefore not unmitigated because mitigation was impossible. It is unmitigated because output was preferred.

Kilchattan: the residents written out of their own view

26. One further feature of the visual assessment requires the Ministers' attention. Viewpoint 14, on the B8086 south of Lower Kilchattan, stands for the outlook from the settled western side of Colonsay straight towards the development. The assessment treats the people at this viewpoint as transport receptors of low susceptibility, notes that similar views would be available to some residents of Upper and Lower Kilchattan, observes that the location is outside any designated landscape though marked by scenic coastal views, assigns medium value, and settles on medium sensitivity overall [7].
27. That chain of reasoning is not consistent with the guidance the assessment claims to follow. GLVIA3 places residents at home, and others whose attention is on the landscape, among the most susceptible receptors there are [11]. The applicant concedes that the view from this point is the view available to the residents of the Kilchattan townships; yet it grades the receptor by the passing traffic on a single-track island road. Choosing the receptor that produces the lower score is not assessment, and a medium valuation is hard to square with the assessment's own acknowledgment of scenic coastal views from the closest inhabited coastline to the turbines, looking directly at them. The Community Council's submission is that this viewpoint's sensitivity is High, and that the significance of the effect on the people of Kilchattan has been understated in consequence [7][11].

The tests this ground engages

28. The policy consequences are these. The concession in NPF4 Policy 11(e)(ii) for significant landscape and visual impacts is unavailable, because neither of its conditions is met: the impacts run across Colonsay, Oronsay, Islay, Jura, Mull and beyond, and so are not localised, and no design mitigation has been applied [6][9]. National Scenic Areas within the applicant's own study area engage the paired tests in paragraph 4.28 of the National Marine Plan and NPF4 Policy 4(c), under which harm to designated qualities is permissible only if clearly outweighed by benefits of national importance, a demonstration the applicant has not made (see the section on weighing below) [9][10]. And for Colonsay itself, NPF4 Policy 4(a) withholds support from development whose type, location or scale gives it an unacceptable impact on the natural environment [9]. A development of this type, in this location, at this scale, producing major, significant, unmitigated and effectively permanent harm to the nearest inhabited islands, where the applicant itself identified and declined the means of reducing that harm, is what Policy 4(a) exists to stop.

Ground 3: Oronsay priory, scheduled ancient monument, significant adverse impact on the both the Priory and its setting

29. Oronsay Priory, together with its High Cross, is a scheduled ancient monument, with protected status as a historic site of national interest. First scheduled in 1920 (Historic Environment Scotland reference SM287) [18]. An Augustinian house traditionally linked with the Columban church and refounded in the fourteenth century for canons regular, the Priory ranks among the most significant medieval monastic sites of the Hebrides and holds one of the finest collections of late medieval West Highland carved stones [19].
30. The Priory cannot be understood apart from its situation. Its founders placed it on a small tidal island at the ocean's edge deliberately: the encircling sea, the machair, the open western horizon and the remoteness are what the monument means. Historic Environment Scotland's guidance on setting recognises that the surroundings in which a historic asset is understood, appreciated and experienced form part of its cultural significance [18], and here those surroundings include the approach itself. Oronsay is reached as it has always been reached, on foot across the sands of the Strand at low water, and the national record preserves the depth of that connection: sanctuary crosses associated with the Priory formerly stood in the Strand, marking the bounds of its sanctuary, so that the crossing belonged, and belongs, to the monument's sacred geography [19].
31. On the applicant's own coastal assessment, both the island that carries the monument and the crossing that leads to it would suffer effects of the highest order recorded anywhere in that assessment: Oronsay, at about 12 km from the development, and the Strand, at about 13 km, are each assessed at High magnitude with a major, significant effect [6].
32. The cultural heritage chapter nonetheless concludes that the applicable heritage tests are met, resting principally on the observation that the turbines would not appear directly within particular views of the Priory buildings [20]. That is an answer to a question nobody has asked. NPF4 Policy 7(h), and Historic Environment Scotland's setting guidance, ask whether significant adverse impacts on the integrity of the monument's setting are avoided, not whether monument and turbines can be photographed together [9][18]. The experience of Oronsay Priory does not start at the church door. It starts with the descent to the Strand and the walk over open sand with the Atlantic filling the western view, through a landscape whose emptiness and beauty

- explain why the Priory is where it is. The applicant's own findings mean that industrial structures a third of a kilometre high would command that western outlook throughout the approach [5][6]. A setting whose meaning is remoteness, sanctuary and arrival does not retain its integrity in those conditions.
33. It is telling that no representative visualisation has been produced from the Strand crossing, despite the applicant's own assessment scoring the Strand at major significance and despite the crossing's documented place in the monument's history [6][19][20]. The single location that would most directly reveal what the development does to the experience of approaching the Priory is the location the visual evidence omits. The Ministers are asked to require that visualisation before determining the applications.
34. Two tests govern this ground, and the applicant has addressed neither of them. Historic Environment Scotland's guidance on setting asks, of a scheduled monument, whether the understanding, appreciation and experience of the monument and its setting would be adequately retained [18]. NPF4 Policy 7(h) then supplies the development plan test, supporting proposals which affect a scheduled monument only where direct impacts upon the monument itself are avoided, or where significant adverse impacts on the integrity of its setting are avoided, or where "exceptional circumstances have been demonstrated to justify the impact" [9].
35. The structure of that policy decides this ground. The first two limbs operate as gateways: satisfy either, and the proposal is supported without more. Neither is satisfied here, and it is the applicant's own evidence which closes them. Oronsay, the island which carries the monument, is assessed at High magnitude with a major and significant effect at approximately 12 km, and the Strand, the crossing by which the monument is reached, is assessed in the same terms at approximately 13 km [6]. Structures reaching 335 m would command the western outlook throughout that approach [5][6]. Significant adverse impacts on the integrity of the setting are therefore not avoided, and the proposal falls to be considered under the third limb of Policy 7(h) alone.
36. Under that third limb the proposal may be supported only if exceptional circumstances are demonstrated, and the demonstration is the applicant's to make. None has been attempted. The applicant's case is not that exceptional circumstances justify harm to the setting of a nationally designated monument; it is that no significant harm to that setting arises at all. That is a different proposition, and one which the applicant's own coastal assessment contradicts [6][20]. The consequence is not merely that the Community Council disagrees with the applicant. It is that the Ministers have before them no material upon which the third limb could be satisfied, because no case under it has been advanced.
37. The reason the cultural heritage chapter arrives where it does is that it answers a narrower question than the policy asks. Its reasoning turns upon whether turbines would appear within particular framed views of the Priory buildings [20]. That is one of a family of substituted questions: whether the monument remains visually dominant; whether turbines would be continuously visible; whether monument and turbines fall within a single view; whether the relationship between them can be physically measured. None of those is the test which Policy 7(h) or the setting guidance imposes, and each is easier to satisfy than the test which does. By answering the easier question, the assessment narrows the practical evaluation of what this development would do to the wider cultural landscape of Oronsay, and then pronounces the heritage tests met [9][18][20].

38. Two further provisions point the same way. GEN 6 of the National Marine Plan requires heritage assets to be protected and, where appropriate, enhanced in a manner proportionate to their significance, requires designated assets to be protected in situ within an appropriate setting, and confines substantial harm to cases where it is necessary in order to deliver benefits which outweigh it (paragraphs 4.22 to 4.23) [10]. Because section 15 of the Marine (Scotland) Act 2010 requires the marine licence applications to be determined in accordance with the Plan unless relevant considerations indicate otherwise, GEN 6 imposes a statutory accordance duty and not merely a policy preference [3][10]. And in determining the section 36 application the Ministers are subject to the duty in Schedule 9, paragraph 3 to the 1989 Act to have regard to the desirability of protecting sites of architectural, historic or archaeological interest, and to do what they reasonably can to mitigate any effect upon them [2].
39. The courts have explained what a duty of that character requires. In *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 the Court of Appeal held that where a statutory duty requires a decision-maker to have special regard to the desirability of preserving the setting of a heritage asset, that desirability must be given considerable importance and weight rather than merely being taken into account as one consideration among others, so that a finding of harm gives rise to a strong presumption against consent; the wind farm permission in that case was quashed because the heritage harm had been weighed as though it were an ordinary planning consideration [32]. The Community Council states the limits of that authority precisely. The decision was given under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, an English provision with no identically worded Scottish counterpart, and Schedule 9, paragraph 3 is differently framed. It is cited as persuasive upon the approach which a duty expressed in terms of desirability demands, and not as binding authority. *Jones v Mordue* [2015] EWCA Civ 1243 confirms that no set form of words is required in order to discharge such a duty [2][32].
40. The Community Council accordingly invites the Ministers to reach three conclusions upon this ground. First, that on the applicant's own assessment significant adverse impacts on the integrity of the setting of Oronsay Priory are not avoided, so that neither of the first two limbs of Policy 7(h) is available. Secondly, that no case of exceptional circumstances having been advanced, the Ministers cannot be satisfied upon the material before them that the third limb is met; and since Policy 7(h) supports such proposals only where one of its limbs is satisfied, support is not available under it. Thirdly, that the heritage conclusions in the Environmental Impact Assessment Report, having been reached by reference to questions which the policy does not ask, cannot carry the weight the applicant places upon them, and should be accorded reduced weight in the planning balance. Should the Ministers nonetheless be minded to proceed, they are asked first to require the visualisation from the Strand sought at paragraph 33, together with an express statement of the exceptional circumstances upon which the applicant relies.

Ground 4: An island economy the assessment never visits

41. The applicant's own socio-economic consultants flagged the issue at the heart of this ground. BiGGAR Economics, engaged by ScottishPower Renewables, recognised that island communities present distinctive questions of population sustainability, demographic resilience, community participation, environmental quality and long-term viability, and recorded that "There are potential impacts on habitability for island communities in particular" [21].

Habitability, so understood, is nothing less than whether an island remains a place people can and will continue to live.

42. Having raised that flag, the application never follows it. The socio-economic chapter (EIAR Chapter 18) contains no study of Colonsay: no investigation of its community, its economy, its demography, its visitor base or its businesses. The chapter's centre of gravity is a handful of candidate port locations, an emphasis its own technical report makes explicit in stating that "the main local epicentres of impact are expected to be the ports" (Appendix 18.1, section 3.3) [21]. Built on that assumption, the assessment could only ever find what it went looking for. No affected island community is examined as a subject in its own right; Islay features only as a possible project location; and Colonsay, the inhabited island nearest the turbines, does not feature at all. The methodology even quotes Marine Directorate guidance that local study areas should reflect the relevant impacts and be intelligible to the communities they describe [21], a standard the treatment of the islands plainly does not meet. What stands in for investigation is regional data, aggregate statistics, economic modelling and professional judgement; and judgement exercised without investigation of the place it concerns is not evidence about that place, it is a substitute for evidence.
43. The tourism research on which the applicant's conclusions ultimately rest cannot carry the weight either. Independent analysis commissioned by Mountaineering Scotland, prepared by Dr Gordon, examined the BiGGAR Economics body of work on wind farms and tourism and found it structurally incapable of answering questions about wild, landscape-dependent places [22]. **Whilst this analysis relates to wild, unspoilt, highly regarded scenic mountain landscapes, a direct parallel can be drawn with Colonsay's unspoilt, wild coastal landscape, where the quality of the natural environment is likewise central to the visitor experience and local tourism economy.** Study areas contained wind farms already operating, or under construction, before the study period began, destroying the before-and-after comparison ("You can't have a valid before and after study without a proper baseline"); every wind farm was treated as equivalent regardless of its landscape, so results from insensitive settings diluted the whole; and the work leaned on macro-level employment statistics rather than asking tourists, or the exposed local businesses, anything at all [22]. Dr Gordon's conclusion was that the research could at most show that wind farms do not depress aggregate tourism employment in areas where the tourism market cares little about landscape, and that carrying its findings into iconic scenic areas is misleading [22]. The analysis addressed mountains; the logic is identical for a pristine Atlantic island whose visitor economy exists because of its seascape. Colonsay is the case the research cannot speak to.
44. What the independent literature does say points against the applicant. The Impact Assessment Unit at Oxford Brookes University, in a 2021 research study of offshore wind farms and local tourism and recreation (Glasson, Durning and Welch), reported a relatively consistent finding that stakeholder concern about visual impacts falls as the distance of a wind farm from shore grows [23]. Concern is therefore greatest where distance is least, and the distance here is about 12.4 km, a third of what the statutory adviser recommended for this coast (Ground 1) [5][12]. The Scottish Government's own plan-level appraisal reached a matching conclusion: the Socio-Economic Impact Assessment behind the Sectoral Marine Plan identified the draft plan options, W1 among them, as most likely to have negative impacts on the commercial fisheries, commercial shipping, and tourism and recreation sectors (section 3.2.4) [13]. The risk was named by Government six years ago. It has never been examined at the level of the community now facing it.

45. The Community Council has gathered evidence of its own. In a recent survey of visitors to Colonsay conducted by the Community Council, every respondent opposed the development [24]. The Community Council does not claim more for a survey than a survey can bear; it offers it as direct, place-based evidence from the island's actual visitors, pointing the opposite way from the applicant's conclusions, and as exactly the kind of enquiry the applicant never made. The survey is held by the Community Council and available to the Ministers on request [24].
46. Why this matters so much is a function of how the island works. On Colonsay, tourism is not a sector alongside others; it is the load-bearing wall. Visitors sustain the accommodation providers, the hospitality businesses, the shop, the transport links, the artists and makers, and the seasonal work on which island families depend, and what draws those visitors is the island's unspoilt Atlantic character. The material question is accordingly not whether bookings dip next season. It is whether the qualities on which the whole structure rests would be degraded; the applicant's own landscape findings say they would (Ground 2); and the consequences of that degradation for the island's economy and population have been assessed by nobody [6].
47. Two further dimensions belong to this ground. The first is wellbeing. The benefits to health of wild places, open horizons and dark skies are widely recognised, and the planning system is directed by statute towards them: section 3A of the Town and Country Planning (Scotland) Act 1997 requires the National Planning Framework to contribute to improving the health and wellbeing of the people of Scotland and to increasing the population of rural areas [9][37]. For the households of Colonsay's western townships, this proposal would fix industrial motion by day and a band of lights by night at the centre of the view from home, and it would do so after a site-selection process that never asked them and an application that offers them nothing in mitigation. The Ministers are asked to weigh what that does to a small community's confidence in its own future, and to the retention of the population on which that future depends.
48. The second is the distribution of benefit. The applicant quantifies the employment and Gross Value Added arising from the project at Scotland-wide and United Kingdom level, and ties local benefit to the mainland ports chosen for construction and operations; no benefit of any kind is quantified for Colonsay [21][26]. NPF4 Policy 11(c) supports proposals only where they maximise net economic impact including local and community socio-economic benefit [9]. A scheme that concentrates its quantified rewards nationally and in mainland ports, while concentrating its harm on an island community whose position it has never assessed, cannot demonstrate compliance with that condition, and the possibility of a voluntary community benefit fund does not repair the defect: such funds are not mitigation of environmental harm and are immaterial to the planning merits. The defect is simpler and deeper. The harm to this community was never measured, so no one can say that net local impact has been maximised, or even what it is.
49. GEN 19 of the National Marine Plan draws the threads together. It requires decisions to be founded on sound socio-economic evidence and, where evidence is inconclusive, requires reasonable efforts to fill the gaps and the application of precaution (paragraph 4.81) [10]. Here the gap was identified by the applicant's own consultants, in terms, and left unfilled for Colonsay. In that state of the evidence the Ministers cannot properly conclude that the island's tourism economy, resilience and long-term habitability are safe; precaution, and this ground, point to refusal.
50. This conclusion is reinforced by the Scottish Government's own **Sectoral Marine Plan for Offshore Wind Energy**. Section 3.2.4 (Socio-Economic Impact Assessment) records that the

Strategic Environmental and Socio-Economic Assessment identified that the Draft Plan Options, including **W1**, “are most likely to have negative impacts on the commercial fisheries, commercial shipping, tourism and recreation sectors.” The Government’s own strategic assessment therefore recognises that offshore wind development within this plan area is capable of generating adverse effects on tourism and recreation. In the absence of robust, site-specific evidence demonstrating that Colonsay would not experience those impacts, that strategic finding further supports the application of the precautionary principle and refusal of consent.

Ground 5: Construction noise, unassessed for those who will hear it

51. Building this development means driving up to 144 foundations into the seabed with hammer energies of up to 6,600 kJ and piling durations of up to 320 minutes for a single monopile, drilling at up to a third of turbine locations, and running heavy construction vessels continuously, across a build programme spanning years [5]. Industry analysis identifies construction, and pile driving above all, as the loudest chapter of an offshore wind farm's life [34].
52. The Environmental Impact Assessment engages with noise below the waterline, modelling a Zone of Influence reaching 88 km for fish and marine mammal receptors, and the applicant has indicated that the operating turbines are expected to produce no excess noise [28][29]. What the Community Council cannot find, despite searching the documentation, is any assessment of construction noise as the people of Colonsay would hear it: airborne noise from percussive piling and construction operations some 12.4 km offshore, potentially proceeding day and night, year after year [1][5].
53. The omission matters because of where this noise would land. Sound carries readily across open water, and it would arrive at a coast whose defining acoustic quality is silence, where any introduced noise stands proud of the baseline. Repetitive percussive noise reaching homes through days and nights over a multi-year programme is capable of significant effects on amenity, sleep, health and wellbeing. GEN 13 of the National Marine Plan requires development to avoid significant adverse effects of man-made noise and vibration, and the 2017 EIA Regulations require a project's likely significant effects, including those on population and human health, to be identified, described and assessed [10][16].
54. The Community Council therefore asks the Ministers to require, before any determination, a construction noise assessment addressed to Colonsay's coastal communities, covering the programme's duration and timing including any night working, predicted received noise levels, cumulative exposure across the build, and proposed mitigation; or, if the applicant maintains that such an assessment already exists, to require it to identify precisely where [16].

Ground 6: The seabirds of Colonsay’s western cliffs special protection area

55. The waters chosen for this development are among the most ecologically rich in Scotland, holding internationally designated sites, Priority Marine Features, seabird colonies of international standing, and habitat for protected marine mammals and basking shark. The applicant's benthic chapter confirms that Priority Marine Features and Annex I habitats occur within the development area itself (EIAR Chapter 8, Table 8.6 and Figure 8.3), which brings GEN 9(b) of the National Marine Plan directly into play: development must not significantly

- affect the national status of Priority Marine Features, and these features lie not near the development but under it [10][25].
56. For Colonsay the sharpest concern is the North Colonsay and Western Cliffs Special Protection Area, the protected seabird colony of the island's own northern and western cliffs, with the development area standing approximately 12.4 km off the island at its nearest [5][26].
57. The law here sets a deliberately exacting standard. Under the Habitats Regulations, read with the Court of Justice's judgment in *Waddenzee*, the Ministers may authorise the project only if they have made certain that it will not adversely affect the integrity of the European sites concerned, which the Court defined as the state in which “no reasonable scientific doubt remains as to the absence of such effects”; the appropriate assessment must contain complete, precise and definitive findings on the best scientific knowledge, and the provision integrates the precautionary principle [17][27].
58. Now consider what the applicant has lodged. Its Report to Inform Appropriate Assessment concludes there would be no adverse effect on the integrity of any site, and the applicant maintains no derogation is needed. Alongside it, however, the applicant has filed a Without Prejudice Derogation Case with, as its first appendix, a Without Prejudice Guillemot Compensation Plan, both aimed at one feature only: the guillemot of the North Colonsay and Western Cliffs SPA. Its stated reason is that the competent authority “may not reach the same conclusion” as the applicant on that feature [26]. Applicants do not spend substantial sums preparing derogation cases and species compensation plans against outcomes they regard as scientifically impossible. The documents are, in the Community Council's submission, the applicant's own acknowledgment that reasonable scientific doubt attaches to the guillemot of Colonsay's SPA; and while that doubt stands, the *Waddenzee* standard bars consent by the appropriate assessment route [17][27].
59. If the Ministers were instead to entertain derogation, its three cumulative tests, no alternative solutions, imperative reasons of overriding public interest, and secured compensation, present their own difficulties [17]. On alternatives, the Derogation Case judges every option against six Project Objectives, of which the sixth is to optimise the W1 Plan Option Area and maximise the generating capacity of the available seabed, and on that yardstick it dismisses every alternative, expressly including a smaller development area and fewer turbines [26]. The circle closes before the test begins: where full exploitation of this site is itself an objective, no less damaging design can ever pass. The applicant's own authority, *R (Spurrier) v Secretary of State for Transport* [2019] EWHC 1070 (Admin), holds that alternatives are judged against identified objectives, which is exactly why the framing of the objectives cannot be left to the applicant [26]. The Ministers should also note the coincidence this ground shares with Ground 2: the rejected alternatives, a smaller area and fewer turbines, are the very changes that would ease both the displacement risk to the guillemot and the visual burden on Colonsay [26].
60. On compensation, the applicant records that new Regulations governing compensatory measures came into force in May 2026 and apply to this project, while the statutory guidance intended to support them remains unpublished [26]. A derogation case is thus being advanced ahead of the rules that are to govern it, and in any event no consent could lawfully issue until the adequacy, deliverability, timing and long-term security of compensation were established on evidence [17] [26].

61. Beyond the SPA, the surrounding seas support cetaceans, seals and basking shark, for which the Sea of the Hebrides holds recognised national importance; the applicant's underwater noise modelling reaches 88 km, and its assessed effects on prey species including herring and lesser sandeel feed through the food web to the birds and mammals above [28][29]. GEN 13 requires significant noise effects on sensitive species to be avoided, and NPF4 Policy 4(e) applies the precautionary principle; uncertainty born of survey or methodological limits cannot be converted into a finding that effects are absent [9][10].
62. The Community Council does not present itself as a specialist ecological consultee. The National Trust for Scotland has announced that it will object to the proposal, and RSPB Scotland and other specialist bodies are understood to be reviewing the ecological assessments in detail [36]. The Community Council reserves its position on ecology accordingly, adopts those specialist representations insofar as they align with this objection, and asks the Ministers to give them substantial weight before deciding.

Ground 7: Half a project

63. What has been applied for is not the whole scheme. The applications cover the Windfarm Development Area alone; the grid connection near Girvan was confirmed only in August 2025, and the Offshore Export Cable Corridor and the onshore transmission works are reserved for separate consent and EIA applications, with the export cable application expected in 2027 [5]. Electricity from these turbines cannot reach anyone without that infrastructure, yet its effects are absent from the material on which the Ministers are asked to decide, so the combined effects of the scheme as a whole cannot be evaluated now.
64. The applicant proceeded this way against advice it has itself recorded. NatureScot's response of 10 June 2025, set out in the applicant's Project Description chapter, warned that separating the assessments raised concerns that not all potential impacts would be assessed and full consideration of the proposal and its mitigation options would not be possible, and stated its expectation of "both the WDA and OfTDA assessment to be contained within one EIA Report" at the section 36 stage [5]. The Marine Directorate's Licensing Operations Team advised at scoping that sufficient information on the export cable and onshore works was essential to understanding the development's cumulative impacts [5]. Both advices appear in the applicant's own consultation table; neither was followed.
65. The courts addressed this practice months before the application was lodged. In *Raeshaw Farms Limited v Scottish Ministers* [2026] CSIH 10, decided on 17 February 2026, the Inner House quashed a wind farm permission granted on the basis that the grid connection would be assessed later, holding that the decision-maker must make a fact-specific assessment of whether a wind farm and its connection form a single project for EIA purposes rather than resting on established practice, and finding force in the submission that it is irrational to credit a scheme with its renewable energy benefits while deferring the assessment of its connection's harms [30]. The applicant's recorded reasons for splitting this project are grid connection uncertainty, the limited remaining shelf-life of its ornithological baseline data, and precedent for separate submissions [5]. These are administrative and commercial conveniences, not environmental justifications, and the appeal to precedent is the very argument *Raeshaw* rejected [30]. The Ministers are asked to conduct the fact-specific assessment the Court requires, and the Community Council's submission is that the effects of the whole project must be properly assessed before any consent can be granted.

66. GEN 21 of the National Marine Plan completes the picture, requiring cumulative impacts to be confronted in decision-making, including whether a series of activities would together produce significant cumulative harm outweighing the benefits (paragraph 4.85) [10]. Set alongside the substantial pipeline of ScotWind and consented offshore projects, that exercise demands complete information about this scheme. A divided application cannot supply it.

Weighing the proposal

67. Scotland's framework does not ask decision-makers to choose between the climate and everything else. NPF4 and the National Marine Plan pursue renewable energy and the protection of landscapes, heritage, biodiversity and communities together, and the balance to be struck is whether this proposal satisfies the framework that serves both ends [9][10]. The Community Council repeats what it said in opening: it supports the energy transition, and the community it speaks for would accept a development in these waters built in proportion to them.
68. On the benefit side of the scales, the significant weight commanded by NPF4 Policy 11 is acknowledged. But the tests this proposal must pass are stricter than a general weighing: harm to National Scenic Area qualities must be clearly outweighed by benefits of national importance; harm to a scheduled monument's setting demands demonstrated exceptional circumstances; and Policy 11(c) makes support conditional on maximised local and community benefit [9][10]. Nor is the relevant benefit the abstract value of renewable generation. It is the additional benefit of generating from this site rather than another, in a leasing round that created numerous alternative option areas, and the applicant has never quantified what a smaller, more distant or reconfigured scheme would forgo [13][14][26]. *Barnwell Manor* adds a final discipline: once heritage harm is found, the decision-maker is not at liberty to assign it whatever weight convenience suggests [32].
69. On the harm side stand the applicant's own findings of major, significant adverse effects on Colonsay and Oronsay, offered to the Ministers without mitigation and, on the policy's own terms, without end; an island community whose socio-economic exposure was never studied; a scheduled monument whose setting the applicant's own evidence condemns; construction noise no one has assessed for the people who will hear it; and a Special Protection Area for which the applicant has thought it prudent to prepare a derogation [6][9][21][26].
70. When they come to decide, the Ministers' reasons must be intelligible and adequate, and must show what was concluded on the principal controversial issues (*South Buckinghamshire District Council v Porter (No 2)* [2004] UKHL 33; *Dover District Council v CPRE Kent* [2017] UKSC 79) [33]. On these applications those issues include at least: whether the major, significant effects on Colonsay identified by the applicant have been mitigated, and if not, why consent is justified regardless; whether Viewpoint 14's sensitivity was correctly assessed; whether significant adverse impacts on the integrity of Oronsay Priory's setting are avoided, and if not, what exceptional circumstances have been demonstrated; whether sound socio-economic evidence exists for the affected islands as GEN 19 demands; whether reasonable scientific doubt has truly been eliminated for the guillemot of the North Colonsay and Western Cliffs SPA; whether the single-project question has been answered as *Raeshaw* requires; and whether the duties of the Islands (Scotland) Act 2018 have been discharged. A decision passing over any of them would fall short of the standard the law sets [33].

71. Drawing the threads together: the proposal cannot be reconciled with the National Marine Plan, whose presumption in favour of sustainable development under GEN 1 operates only for proposals consistent with the Plan's policies and so is not engaged; no relevant consideration of sufficient weight supports departing from the Plan under section 15 of the 2010 Act; and the proposal fails the protective policies of NPF4 read as a whole [3][9][10].

What the Community Council asks of the Scottish Ministers

72. First and principally, the Community Council asks the Scottish Ministers to refuse the application for consent under section 36 of the Electricity Act 1989, and to refuse the associated marine licence applications [2][3].
73. If the Ministers are not minded to refuse, the Community Council asks in the alternative that further environmental information be required from the applicant under the 2017 EIA Regulations before any determination is made [16], addressing at least the following:
- a genuine appraisal of primary mitigation of the seascape and visual effects on Colonsay and Oronsay, including relocation of the array, or its eastern portion, further from the coast with floating foundations as the water deepens, and a reduction in turbine height and number (Ground 2);
 - identification of the mitigation measure cited as M-47, or confirmation that the citation is an error (Ground 2);
 - a representative visualisation from the Strand crossing towards Oronsay Priory (Ground 3);
 - a place-based socio-economic and habitability assessment of Colonsay, founded on primary research conducted within the community itself (Ground 4);
 - a construction noise assessment addressed to Colonsay's coastal communities (Ground 5); and
 - any further ecological information needed for the Ministers to discharge their duties under the Habitats Regulations (Ground 6).
74. The Community Council further asks that the examination of these applications take the form of inquiry sessions. It recognises that, since the Planning and Infrastructure Act 2025 amendments to Schedule 8 of the 1989 Act came into force on 18 February 2026, no objection compels a public inquiry and the choice of procedure rests with the appointed reporter [31]. The request is made because the questions at the core of this objection, how findings of major and significant harm can attract no mitigation, and how conclusions of acceptability can be reached about a community that was never studied, are questions that written exchanges allow the applicant to restate but never to answer under scrutiny. They require the applicant's witnesses to be examined on the record.
75. The Community Council also asks: to be notified of, and given a fair opportunity to comment on, any supplementary environmental information, any addendum to the Environmental Impact Assessment Report, and any material change to the applications before determination; and to be notified promptly of the decision and its reasons, noting that section 36D(4) of the Electricity Act 1989 allows only six weeks from publication of a decision for any application challenging its validity [2].

76. Should consent nevertheless be granted, the Community Council asks that a decommissioning programme, secured by adequate and enduring financial provision, be in place before any works begin, bearing in mind that NPF4 Policy 11(f) treats areas identified for wind farms as suitable for that use in perpetuity and Policy 11(a)(i) supports repowering, extension and expansion [9].
77. Separately, and as recorded under Ground 1, the Community Council will be asking Argyll and Bute Council to request a retrospective island communities impact assessment of the Sectoral Marine Plan for Offshore Wind Energy under section 14 of the Islands (Scotland) Act 2018 [15].
78. Finally, the Community Council reserves the right to supplement this objection, in particular once the representations of Historic Environment Scotland, NatureScot, RSPB Scotland, the National Trust for Scotland and the relevant fisheries bodies are available, and once the applicant's Habitats Regulations documentation has been the subject of specialist review [26] [36].

References

- [1] MachairWind Limited, applications for consent under section 36 of the Electricity Act 1989 and for marine licences under Part 4 of the Marine (Scotland) Act 2010, Marine Directorate references 00012385 and 00012386, submitted 25 June 2026, together with the supporting application documentation, including the schedule of mitigation and commitment measures (measures M-20, M-43 and M-47). Application documentation published at marine.gov.scot and energyconsents.scot.
- [2] Electricity Act 1989, section 36, section 36D and Schedules 8 and 9.
- [3] Marine (Scotland) Act 2010, Part 4 and section 15.
- [4] Local Government (Scotland) Act 1973, Part IV, section 51(2), the statutory general purpose of a community council.
- [5] ScottishPower Renewables / MachairWind Limited, EIAR Chapter 3 (Project Description), June 2026: Windfarm Development Area of 448 km²; design envelope of between 91 of the largest (335 m blade tip height) and 144 of the smallest (280 m blade tip height) turbines (Tables 3.2 and 3.13), with a maximum rotor diameter of 290 m; maximum blade tip height reduced from 340 m to 335 m and maximum turbine number from 147 to 144 through consultation, expressly to reduce the magnitude of change on seascape receptors (§3.4); nearest land approximately 12.4 km (Colonsay), 15 km (Islay), 20 km (Mull) and 30 km (Jura) (§3.3.2); lease period of 60 years and anticipated operational life of 35 years (Table 3.2); maximum piling hammer energy of 6,600 kJ and maximum piling duration of up to 320 minutes per monopile; up to 33% of turbine locations potentially requiring drilling (§3.6.2.2.3.2); grid connection confirmed in August 2025 in the vicinity of Girvan, South Ayrshire (§3.3.1); Offshore Export Cable Corridor and Onshore Transmission Development Area deferred to separate applications (§3.3.3–3.3.4); NatureScot response of 10 June 2025 and Marine Directorate Licensing Operations Team scoping advice recorded at Table 3.1 (I.D. 36 and I.D. 5), together with the applicant's recorded reasons for the separate submissions.
- [6] ScottishPower Renewables / MachairWind Limited, EIAR Appendix 16.3, Coastal Character Baseline and Assessment (prepared by LUC, November 2025): CCA 11 (West Colonsay), approximately 12 km from the WDA, High sensitivity, Large scale of change, Large geographical extent of effects, High magnitude of impact, major and significant effect; CCA 13 (Oronsay), approximately 12 km, High magnitude, major and significant; CCA 12 (The Strand), approximately 13 km, High magnitude, major and significant; CCA 9 (Kiloran Bay to Eilean Dubh, Colonsay), approximately 17 km, High magnitude, major and significant. Available from the applicant's document library at scottishpowerrenewables.com.
- [7] ScottishPower Renewables / MachairWind Limited, EIAR Chapter 16 (Seascape, Landscape and Visual Impacts) and Appendices 16.1 (SLVIA and Visualisation Methodology) and 16.2 (Assessment of Effects on Special Landscape Qualities), June 2026, including the representative viewpoint assessment for Viewpoint 14 (B8086 south of Lower Kilchattan, Colonsay).
- [8] MachairWind Limited, Planning Statement, June 2026, page 50 (Tables 6.6 and 6.7 and accompanying text).
- [9] Scottish Government, National Planning Framework 4 (adopted 13 February 2023), in particular Policies 1, 3, 4, 7 and 11.
- [10] Scottish Government, Scotland's National Marine Plan (published 27 March 2015; ISBN 9781785442148), adopted under section 5 of the Marine (Scotland) Act 2010, Chapter 4 (General Policies), which states at paragraph 4.4 that all text in the chapter should be considered as planning policy. Policies relied upon: GEN 1; GEN 6 (paragraphs 4.22–4.23); GEN 7 (paragraphs 4.28–4.30); GEN 9; GEN 13; GEN 18 (paragraph 4.77); GEN 19 (paragraph 4.81); GEN 21 (paragraph 4.85). Available at <https://www.gov.scot/publications/scotlands-national-marine-plan/>
- [11] Landscape Institute and Institute of Environmental Management and Assessment, Guidelines for Landscape and Visual Impact Assessment (3rd edition, 2013) (“GLVIA3”), including its treatment of receptor susceptibility and of primary mitigation through layout alteration, redesign and relocation.
- [12] Scottish Natural Heritage, Supplementary Advice to SNH Consultation Response (25 March 2020): Assessment of Potential Seascape, Landscape and Visual Impacts and Provision of Design Guidance, prepared in respect of Marine Scotland's Draft Sectoral Plan for Offshore Wind (December 2019), including the recommendations that

development be limited to beyond 35 km from Colonsay and Islay and that turbine height be limited to a maximum of 200 metres.

- [13] Scottish Government, Sectoral Marine Plan for Offshore Wind Energy: consultation on the Draft Plan (18 December 2019 to 25 March 2020) and the associated record of consultation events; Sectoral Marine Plan for Offshore Wind Energy (published 28 October 2020); and the supporting Socio-Economic Impact Assessment, section 3.2.4, which identified that the Draft Plan Options are most likely to have negative impacts on the commercial fisheries, commercial shipping, and tourism and recreation sectors.
- [14] Crown Estate Scotland, ScotWind leasing round outcome (January 2022).
- [15] Islands (Scotland) Act 2018: Part 3 (Duties in relation to island communities, brought into force on 23 December 2020), section 11 (guidance) and section 14 (Duty of the Scottish Ministers to have regard to request for retrospective island communities impact assessment).
- [16] The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (SSI 2017/101); The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (SSI 2017/115).
- [17] The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended); The Conservation of Offshore Marine Habitats and Species Regulations 2017.
- [18] Historic Environment Scotland designation record: Oronsay Priory and Cross, scheduled monument SM287 (first scheduled 28 April 1920), portal.historicenvironment.scot/designation/SM287; and Historic Environment Scotland guidance, Managing Change in the Historic Environment: Setting.
- [19] Canmore, the National Record of the Historic Environment (Historic Environment Scotland), record for Oronsay Priory (Canmore ID 37822), including the record that sanctuary crosses associated with the Priory stood in the Strand.
- [20] ScottishPower Renewables / MachairWind Limited, EIAR Chapter 14 (Offshore Archaeology and Cultural Heritage) and Appendix 14.3, June 2026.
- [21] ScottishPower Renewables / MachairWind Limited, EIAR Chapter 18 (Socio-economics, prepared by BiGGAR Economics) and Appendix 18.1 (Socio-economic Technical Report), June 2026, including sections 2.2 and 3.3 of Appendix 18.1. The finding on potential impacts on the habitability of island communities is that of BiGGAR Economics, the applicant's commissioned socio-economic consultants, recorded in the MachairWind Development Economic and Social Scenarios: Opportunities and Impacts report (BiGGAR Economics, 2024), which the applicant cites at Table 4.1 of its Without Prejudice Derogation Case as having informed its Socio-economic Action Plan.
- [22] Analysis commissioned by Mountaineering Scotland, prepared by Dr Gordon, examining the BiGGAR Economics research on wind farms and tourism in Scotland and its applicability to wild, landscape-dependent settings, including the findings on the absence of a valid baseline, the treatment of all wind farms as equivalent, and the reliance on macro-level employment data.
- [23] Glasson, J., Durning, B. and Welch, K., The impacts of offshore wind farms on local tourism and recreation: a research study, Impact Assessment Unit, Oxford Brookes University, October 2021.
- [24] Colonsay Community Council, visitor survey on the MachairWind proposal (2026): all respondents opposed the development. Held by the Community Council and available to the Scottish Ministers on request.
- [25] ScottishPower Renewables / MachairWind Limited, EIAR Chapter 8 (Benthic Ecology), June 2026: Priority Marine Features and Annex I habitats within the WDA (Table 8.6; Figure 8.3).
- [26] MachairWind Limited, Habitats Regulations documentation submitted with the application, June 2026: Report to Inform Appropriate Assessment (Parts 1 to 3); Report to Inform Marine Protected Area Assessment; Windfarm Development Area Habitats Regulations Appraisal Screening Report; Without Prejudice Derogation Case (June 2026); and Appendix 1 thereto, Without Prejudice Guillemot Compensation Plan. The Derogation Case relates specifically to the guillemot feature of the North Colonsay and Western Cliffs Special Protection Area (§1); records that it is submitted without prejudice to the applicant's conclusion of no adverse effect on site integrity, in case the competent authority may not reach the same conclusion (§1.2); sets out six Project Objectives, the sixth being to optimise the W1 ScotWind Plan Option Area and maximise generation capacity of available Scottish seabed (Table 4.1); discounts all alternatives, including a reduced development area and a reduced number of turbines, by reference to those objectives (Tables 4.2–4.6); cites *R (Spurrier) v Secretary of State for Transport*

- [2019] EWHC 1070 (Admin) (§4.2); records that new compensation Regulations come into force in May 2026 and that the supporting statutory guidance has not yet been published (§2.2); and quantifies the asserted employment and Gross Value Added benefits at Scotland and United Kingdom level (§5.2.2). Available from the applicant's document library at scottishpowerrenewables.com.
- [27] Case C-127/02 Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij [2004] ECR I-7405 (“Waddenzee”), Court of Justice (Grand Chamber), 7 September 2004. See also Case C-461/17 Holohan v An Bord Pleanála (an appropriate assessment must contain complete, precise and definitive findings) and Case C-323/17 People Over Wind v Coillte Teoranta (mitigation may not be taken into account at the screening stage).
- [28] ScottishPower Renewables / MachairWind Limited, EIAR Chapter 9 (Fish (including Basking Shark) and Shellfish), June 2026: basking shark disturbance, displacement and vessel collision (Tables 9.16–9.17); underwater noise Zone of Influence to 88 km (Tables 9.13–9.14); modelled effects on herring and lesser sandeel (Figures 9.3–9.4).
- [29] ScottishPower Renewables / MachairWind Limited, EIAR Chapter 10 (Marine Mammals and Leatherback Turtle), June 2026.
- [30] Raeshaw Farms Limited v Scottish Ministers [2026] CSIH 10 (Inner House, Court of Session, 17 February 2026), on “project splitting” and the requirement for a fact-specific, reasoned assessment of whether a wind farm and its grid connection constitute a single project for the purposes of environmental impact assessment.
- [31] Planning and Infrastructure Act 2025 (c. 34), Royal Assent 18 December 2025; relevant provisions in force 18 February 2026. Schedule 1 makes amendments to the Electricity Act 1989, including to Schedule 8 (paragraph 3, objections by other persons; paragraph 4, public inquiries), removing the automatic trigger for a public inquiry and substituting a reporter-led examination in which the appointed person determines the appropriate procedure.
- [32] Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council, English Heritage, the National Trust and the Secretary of State for Communities and Local Government [2014] EWCA Civ 137: a statutory heritage duty requires the desirability of preserving the setting of a heritage asset to be given considerable importance and weight; a finding of harm gives rise to a strong presumption against consent. See also Jones v Mordue [2015] EWCA Civ 1243 (no particular formula of words is required to discharge the duty). Cited as persuasive on the principle; decided under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- [33] South Buckinghamshire District Council v Porter (No 2) [2004] UKHL 33, [2004] 1 WLR 1953, per Lord Brown at [36]: the reasons for a decision must be intelligible and adequate, and must enable the reader to understand what conclusions were reached on the principal important controversial issues. See also Dover District Council v CPRE Kent [2017] UKSC 79, per Lord Carnwath: the giving of reasons is an essential element of good administration.
- [34] Spinergie, industry analysis of offshore wind farm operations, identifying the construction phase, in particular pile driving for foundations and vessel engine noise, as the noisiest part of a wind farm's life cycle.
- [35] Argyll and Bute Council, Local Development Plan 2, Written Statement and Proposals Map (adopted 28 February 2024).
- [36] National Trust for Scotland, stated intention to object to the MachairWind proposal, June 2026.
- [37] Town and Country Planning (Scotland) Act 1997, section 3A (as amended by the Planning (Scotland) Act 2019): outcomes to which the National Planning Framework must contribute, including improving the health and wellbeing of the people of Scotland and increasing the population of rural areas of Scotland.
- [38] Comparative heights: Eiffel Tower, 330 m; tallest building in the United Kingdom, The Shard, London, 310 m.

