

FILE NOTE

Giant's Burn Wind Farm proposal – extension to consultation period for Argyll and Bute Council

On 15 July 2025, Statkraft on behalf of GB Wind Farm Ltd (“the Applicant”) submitted an application for the Scottish Ministers to grant consent under section 36 of the Electricity Act 1989 to construct and operate Giant's Burn Wind Farm located approximately 1.3 km north-west of Dunoon and 1.5 km south-west of Sandbank in the planning authority area of Argyll and Bute Council.

The mandatory consultation regarding the above application was initiated on 25 July 2025. As the ‘relevant planning authority’, Argyll and Bute Council's deadline for submitting a consultation response to the Scottish Ministers was 25 November 2025. However, following agreement between GB Wind Farm Ltd, Argyll and Bute Council (“the Council”) and the Scottish Government's Energy Consents Unit (“the ECU”), the deadline for Argyll and Bute Council submitting a response was extended until 28 February 2026.

LEGISLATION

When an application for consent and deemed planning permission is received by the Scottish Ministers a statutory consultation period is entered into. In accordance with paragraph 2(1) of Schedule 8 to the Electricity Act 1989, notice of an application for consent under section 36 is to be served on the relevant planning authority (ie the planning authority in whose area the proposal will be located – Argyll and Bute Council in this case)

Paragraph 2(2) of Schedule 8 of the Electricity Act 1989 provides that where the relevant planning authority objects to an application and the objection is not withdrawn the Scottish Ministers shall cause a public inquiry to be held. This assumes that the relevant planning authority has submitted its representations (consultation response) within the 4 months allowed by Regulation 8 of the Electricity (Applications for Consent) Regulations 1990.

However, Regulation 8 of the Electricity (Applications for Consent) Regulations 1990 also provides for a relevant planning authority's objection to be accepted and a public inquiry to be held if a period of longer than 4 months for submitting said objection has been agreed in writing by the authority with both the Scottish Ministers and the applicant.

In agreeing to the extension to the four month period for objection, it is recognised by the parties involved that (1) Argyll and Bute Council (the relevant planning authority) preserves its right to object to the Giant's Burn Wind Farm proposal and (2) the mandatory public inquiry which shall thereafter be held all in terms of paragraph 2 of Schedule 8 of the Electricity Act 1989 should Argyll and Bute Council notify the Scottish Ministers that they object to the application on or before the date of expiry of the extended period and their objection is not withdrawn.

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9th October 2025