EIA FOR VARIATIONS TO ON-SHORE WIND ENERGY CONSENTS

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PURPOSE & DRIVERS FOR VARIATIONS

- To refine elements of the consented development that are identified in the permission. Not intended to deal with wholesale or substantial changes to what's been consented.
- Key drivers for variations include:
  - Changes to financial context and the subsidy free environment, including post consent commercial modelling.
  - Changes to turbine geometry and maximum blade tip height due to procurement and technological advances*.
  - Change in power output with consequence for consenting regime (T&CPA toS36).
  - Developer H&S requirements e.g. use of external transformers.
  - Findings of site investigations/surveys.
- Main developer interest appears to be variation to the geometry or size of turbines.

* Assuming hub height or rotor diameter were specified in the application. Usually, final turbine geometry and colour of turbines can be dealt with in pursuance of planning conditions.

ROUTES FOR VARIATIONS

LPA or ECDU according to output of wind farm.

Procedure based on whether proposed changes are a:

- Material consideration; or
- Non-material consideration in planning terms.

Material considerations - substantive changes with potential for significant additional or new environmental effects.

Dealt with by applications, additional EIA. Determined by:

- Minsters/ECDU (S36 applications); and
- Local planning authority (T&CPA applications/Section 42 applications).

Non-Material –unlikely to result in additional significant effects.

Less onerous, and can be dealt with by agreement or under delegated powers.

Non material are quickest, cheapest, easiest and less disruptive to development programme.

Early screening/scoping discussions critical.

CASE STUDY
TULLYMURDOCH WIND FARM
PERTH AND KINROSS

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EIA FOR VARIATIONS TO CONSENTED DEVELOPMENT
24TH MAY 2018

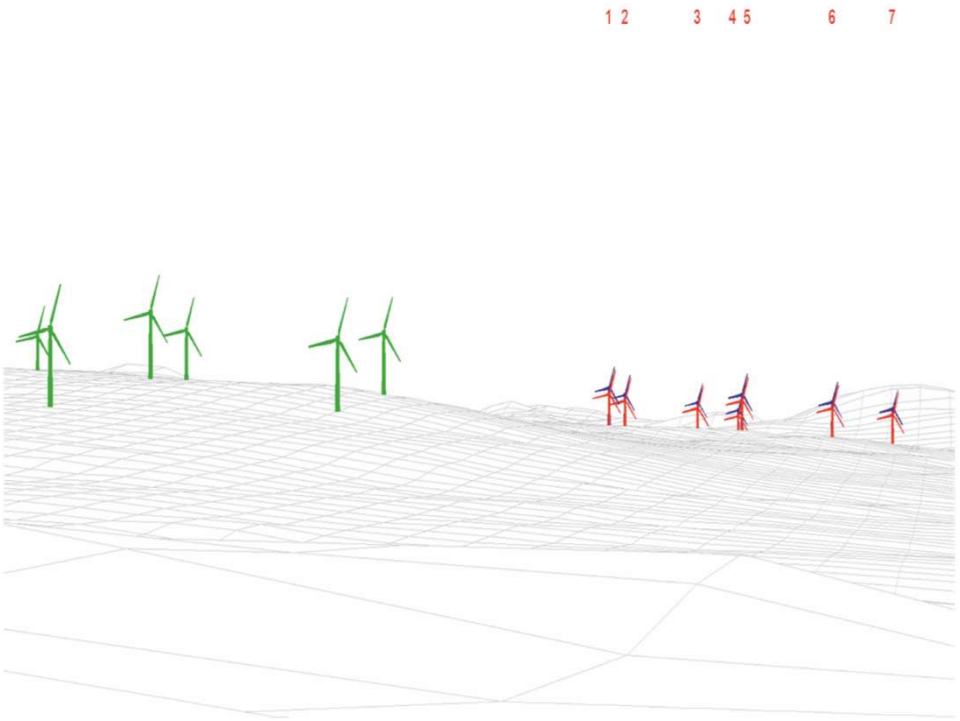
CASE STUDY – TULLYMURDOCH WIND FARM

- Application under Town and Country Planning Act for 7 turbines (14 MW) Perth and Kinross, Scotland.
- Consented on appeal in 2014.
- In 2017 full planning application (T&CPA) required for reduction in rotor size. (No increase in turbine height, changes to turbine positions or infrastructure proposed).

Material or non-material?

CASE STUDY – KEY ISSUES

- Proposed changes considered material.
- Main issue identified - effects on Wild Cat (matter raised by independent objectors).
- Consideration was also given to:
  - Possible changes to baseline since original EIA;
  - Changes in cumulative context;
  - Variation in turbine height and potential for 'additional' effects or increase if significant landscape and visual effects.
  - Inconsistency of revised turbine geometry with neighbouring wind farm.



CASE STUDY – OUTCOME AND RESPONSE

- Full application under, with selected detailed studies (e.g. Wild Cat) and comparative study required to ascertain effects on landscape and visual resource of proposed changes.
- EIA and planning application procedures and notifications required.
- Approval of variations in 2017.
- Subsequent Judicial Review caused by independent objectors (on basis of Wild Cat survey methodology adopted by applicant).
- Process was costly and caused delays.

EIA FOR VARIATIONS TO CONSENTS

TAKE AWAY

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CONCLUSIONS

- Route for variations dependent upon:
  - whether changes are material or non-material; and
  - local or political sensitivities and how risk averse LPA is.
- EIA and planning application procedures and notifications may be required, despite often limited nature of changes proposed.
- Early constructive engagement with LPA or ECDU required and early screening/scoping discussions critical.
- Involvement of environmental specialists to support early engagement and to provide evidence of no materiality of changes in EIA terms.
- Risks to consented project if changes and variation are project critical.
- Allowance should be made to mitigate risks.

THANKYOU & QUESTIONS