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BY EMAIL ONLY

Scottish Government Energy Consents Unit, 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU

> 32623/A5/IH 21 December 2021

Dear Sir / Madam,

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) AMENDMENT REGULATIONS 2017: REQUEST FOR A SCREENING OPINION FROM SCOTTISH MINISTERS.

S36C VARIATION TO AMEND CONDITION 1 OF S36C CONSENT (REF: EC00003166) TO EXTEND THE OPERATIONAL LIFE OF MIDDLE MUIR WIND FARM, SOUTH LANARKSHIRE.

This letter has been prepared by Barton Willmore, on behalf of Middle Muir Wind Farm Limited ('the applicant') (Banks Renewables), in accordance with Regulation 8 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the 2017 EIA Regulations') issued in May 2017 – as amended by the Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2017 as issued in December 2017. This letter requests that Scottish Ministers provide a Screening Opinion to determine whether an Environmental Impact Assessment ('EIA') is required for our forthcoming proposal at Middle Muir Wind Farm.

It is expected that an application will be submitted in due course by the applicant for the '*S36C* variation to amend Condition 1 of S36C consent (ref: EC00003166) dated 22 March 2016 to extend the operational life of Middle Muir Wind Farm' (hereby referred to as the 'proposed development'). The proposed development will enable Middle Muir Wind Farm to continue to operate beyond its current consented lifetime, which currently extends until 21 December 2043.

Ongoing assessment is being undertaken by our Project Team to determine the exact length of life extension that will be sought by the S36C variation application. In advance of this application being finalised, this EIA screening letter assesses the potential environmental impacts for a period of up to 15 years, as this would be the longest period that may be sought and represents an appropriate / 'worst case' level of potential impact.

An extension to the lifetime of Middle Muir Wind Farm will enable it to continue to contribute towards the provision of socio-economic benefits at both the local and national level, as well as contributing towards the Scottish Government's target of net zero being achieved by the nation by 2045.

Specifically, this letter provides a brief description of the nature and purpose of the proposed development and of its possible effects on the environment, as well as other relevant information in order to assist Scottish Ministers in making a formal screening determination.





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The Site

The application site ('the site') comprises Middle Muir Wind Farm, located c. 4km to the south east of Douglas. The site takes in an area of approximately 693ha, which contains 15 turbines with a consented capacity of 60MW. Associated infrastructure includes onsite access tracks, one borrow pit, an anemometer mast, substation and a control building.

Planning History

The relevant applications associated with Middle Muir Wind Farm have been outlined below.

- The initial application for development of a wind farm consisting of 15 turbines and associated infrastructure at Middle Muir (ref: EC00005219) was made to the Scottish Government on 30 November 2012 by Banks Renewables (Middle Muir Wind Farm) Limited. This application was granted planning permission on 26 September 2014, with 45 Conditions attached to the consent.
- A subsequent application (ref: EC00003166) was made to Scottish Government's ECU on 31 August 2015 for a S36C application to vary three conditions associated with the original consent. This application was granted permission on 22 March 2016. The decision notice for this S36C application attached an additional 3 conditions to the 2014 consent.

Proposed Amendments Requested

Condition 1 of the S36C consent for Middle Muir Wind Farm (ref: EC00003166) states that:

'The consent is for a period from the date of this consent until the date occurring 25 years after the date of the final Commissioning of the Development. Written confirmation of the date of final Commissioning of the Development shall be provided to the Planning Authority and to the Scottish Ministers no later than 1 calendar month after that event.'

The final commissioning date for Middle Muir Wind Farm was 21 December 2018. This means that the operational life of the Wind Farm is currently consented until 21 December 2043.

The proposed development seeks to vary this consent to provide up to 15 additional years to be added to the operational life of the Wind Farm. The exact wording of the proposed new Planning Condition 1 will be provided at the time of submission of our new S36C Variation application.

No physical changes are proposed to the turbines or supporting infrastructure. The proposed development only looks to allow the existing Wind Farm to operate as it does at present but for an extended period of time.

Need for the Proposed Change

The need for renewable energy, including energy generation from Wind Farms, is well documented. The United Kingdom signed the Kyoto Protocol in 1997, along with 180 other countries, which committed the UK to significantly reducing greenhouse gas emissions going forward. Since this point, a range of documents have been produced both by the UK Government and the Scottish Government in respect of renewable energy generation.

Under the Climate Change (Emissions Reduction Targets) (Scotland) (Act) 2019, Scotland committed to more ambitious carbon reduction targets with a legally binging net zero target for 2045, in the context of the Climate Emergency. The Consultative Draft of the Scottish Government's Onshore Wind Policy Statement Refresh 2021 states that, '*The transition to net zero means that our demand for green electricity will increase substantially over the course of the next decade. This means that a consistently higher rate of onshore wind, and other renewables capacity, will be required year on*

ENVIRONMENTAL PLANNING GRAPHIC DESIGN PUBLIC ENGAGEMENT RESEARCH *year*' (para. 2.1.1). It is therefore clear that energy generation from Wind Farms make an important contribution towards hitting the Scottish Government's Renewable Energy Targets.

Previous generations of Wind Farms typically had time limits applied to their consents due to their shorter life spans, however the new generation of Wind Turbines are capable of moving significantly beyond these 25-year timespans for generation. The extension of the operational life for Middle Muir Wind Farm, as currently set by consent EC00003166, would enable it to continue generating renewable energy for many more years to come. This EIA Screening assesses it up to a maximum of an additional 15 years, which would allow it to operate until up to 21 December 2058.

Environmental Assessment Regulations

In considering if a development requires an EIA, it is necessary to establish whether it is a Schedule 1 or Schedule 2 type development as defined in the 2017 EIA Regulations (as amended).

Schedule 1 development covers nuclear generating stations or other nuclear reactors, thermal generating stations with a heat output of 300 megawatts or more, construction of overhead electrical powerlines with a voltage of 220 kilovolts or more and a length of more than 15km or any change or extension to any of the aforementioned types of development. Schedule 1 development always requires an EIA. The proposed development would not fall within this schedule.

Schedule 2 covers the broader scope of '*generating stations*' that are not defined by Schedule 1, as well specifications of electricity lines. As the proposed development relates to an extension (*'including a change in the manner or period of operation*') of a generating station (for which a Wind Farm can be considered), then it is considered to fall under Schedule 2 of the 2017 EIA Regulations.

As set out by the Policy Note of the 2017 EIA Amendment Regulations and the May 2019 Guidance Note for Applications for Variation of Section 36 Consents, EIA would only require to be carried out where the changes proposed by the variation may cause significant environmental effects, taking account of the selection criteria set out at schedule 3 of the EIA Regulations.

We have considered the proposal against a number of criteria to consider whether there is likely to be any significant impacts on the environment as a result of the proposed development. In determining whether the proposed development requires an EIA, Scottish Ministers must take into account this 'selection criteria', which is set out in the 2017 EIA Regulations under the following headings:

- The characteristics of development;
- The location of development; and
- The characteristics of the potential impact.

The full list of criteria in Schedule 3 has been replicated in the enclosed tables, with a table for each heading. These tables illustrate that all of the impacts of the proposed development are likely to be 'low'. As a result, the overall proposed development is expected to cause no significant adverse environmental effects.

Summary/Conclusions

As set out above and in the attached tables, it is considered that the likely environmental effects of the proposed development will not be significant when considered against the Selection Criteria set out in Schedule 3 of the 2017 Regulations. Therefore, it is our view that the proposed development will be considered a Schedule 2 development but will not have significant environmental impacts.

For the above reasons, it is our view that an EIA is not necessary.

We would request that Scottish Ministers review this screening request and, assuming they are in agreement, confirm that the proposed development does not require EIA, then formally record this decision on the statutory planning register.

We trust that you find the above helpful, however please get in touch if you require any further information in order to make a determination as to whether EIA is needed in this instance.

I look forward to receiving a Screening Opinion from you in due course.

Yours sincerely

Tain Hynd

IAIN HYND Planning Associate

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Summary of Selection Criteria

DESCRIPTION OF DEVELOPMENT	
Proposal description:	'S36C variation to amend Condition 1 of S36C consent (ref: EC00003166) dated 22 March 2016 to extend the operational life of Middle Muir Wind Farm' ('the proposed development').
Is it a Schedule 1 case?	No.
Is it a Schedule 2 case?	Yes. The development could be considered to fall within Schedule 2 due to being a generating station for which a change in the period of operation is proposed. It is not located within a 'sensitive area'.
1. CHARACTERISTICS OF THE DEVELOR	PMENT
a) Size and design of the development	
Will the size and design of the development be out of scale with the existing environment?	Middle Muir Wind Farm is in place and operational, comprising 15 wind turbines located c. 4km to the south east of Douglas.
	The proposed development involves a variation to the existing consent to alter the consented operational life of the Wind Farm only. There will be no physical changes made to the Wind Farm and, therefore, no change to the existing environment.
	Low impact
b) Cumulation with other development	
Are there potential cumulative impacts with other existing development or development not yet begun but for which planning permission exists?	No. The Wind Farm is already in operation and increasing its operational life will not change its scale or effect or result in any additional cumulative impacts with other existing development or development with planning permission.
Should the application for this	The proposed development includes the amendment
development be regarded as an integral part of a more substantial project? If so, can related developments which are subject to separate applications proceed independently?	of Condition 1 of planning permission EC00003166 to extend the expiry date of the consent by up to 15 years. There will be no physical changes made to the Wind Farm and, therefore, no change to the existing environment.
c) lice of patienal recourses	Low impact
c) Use of natural resources	
Will construction or operation of the development use natural resources such as land, water, material or energy, especially any resources which are non-renewable or in short supply?	No – the proposed development will not utilise any further resources than those which were used for the construction of the existing Wind Farm. The operation of the proposed development utilises
	wind resources to generate renewable energy. However, these are not finite.
	Low impact

d) Production of waste	
Will the development produce wastes during construction or operation or decommissioning?	Construction is already complete and there will be no significant additional wastes generated during the operation of the proposed development. All reasonable steps will be taken to ensure that the proposed development adheres with the waste hierarchy principles in terms of preventing, re-using, recycling and recovering waste prior to disposal.
	Wastes associated with the decommissioning of the project has already been accounted for through technical information supporting the original planning consent (ref: EC00005219) including the 2012 Environmental Statement ('ES') as amended by the 2015 ES accompanying the S36C Consent (ref: EC00003166).
	Low impact
e) Pollution and nuisances	
Will the development release any pollutants or any hazardous, toxic or noxious substances to air?	There will be no pollutants or hazardous / toxic / noxious substances released to the air during the operational phase of the proposed development.
	Low impact
Is there a potential risk from leachates or escape of wastes of other products/by-products that may constitute a contaminant in the environment?	No. As outlined in the 2012 and 2015 ES, as well as the Environmental Management Plan ('EMP') which was provided as a condition of the permission, measures have been put in place during the operation of the Wind Farm to ensure there are no escape of wastes or other contaminants to the environment. Extending the operational life of the Wind Farm will not impact upon these mitigation measures.
	Low impact
Will the development cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	The proposed development will continue the operation of the wind turbines, and therefore the existing level of noise generation will continue beyond the current consented time frame.
	The Wind Farm has been designed to comply with noise limits contained in ETSU-R-97, the Assessment and Rating of Noise from Wind Farms. A revised Noise Assessment was undertaken for the Section 36C Variation Application (Ref: EC00003166). The predicted noise emission levels from the development following the proposed variations meet the site specific noise limits under all conditions and at all locations, for both quiet daytime and night- time periods at all receptors.
	The extension of the operation life of the Wind Farm will not result in any additional noise impacts to those for which mitigation measures are already in place.

	Low impact
Will the development lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	The proposed development will not lead to any increased risk of contamination to surrounding areas. Although regular maintenance of the wind turbines may require the use of oils, greases and other substances, the measures set out through the 2012 ES, the 2015 ES and EMP seek to minimise the risks of contamination to the surrounding area. These measures would continue to be implemented should the operational life of the Wind Farm be extended.
C. Disk of antidayte basis and to	Low impact
 f) Risk of accidents, having regard to substances or technologies used 	
Will there be a risk of accidents during construction or operation of the development which would have effects	The construction phase of Middle Muir Wind Farm is complete.
on people or the environment?	As addressed in the 2012 ES submitted with the original application, there have been no examples of injury to the public as a result of wind turbines (pg. 391). Therefore, it is not expected that increasing the operational life of the Wind Farm, by up to an additional 15 years would lead to any additional risk of accidents on people or the environment.
	Low impact
Will the development involve use, storage, transport, handling or production of substances or materials which could be harmful to people or the environment (flora, fauna, water supplies)?	As mentioned previously, the maintenance of the wind turbines may require the use of oils, greases and other substances. There are mitigation measures in place in this regard to ensure the risk to people or the environment remains low.
g) Risk to human health	Low impact
	No. Middle Muir Wind Farm is already in place and operational. No polluting substances are stored at the site. As noted in the EMP, during the operation of the development potential contaminants within the turbine house shall be stored on impermeable hardstanding and containment measures shall be in line with the Pollution Prevention Guidance Notes ('PPGs'). Other measures include oil interceptors, drip trays, washing facilities for contaminated plant and equipment and spill kits.
	In terms air quality, no significant impact is expected given the small number of maintenance vehicle traffic that is generated by the Wind Farm.
	Low impact
2. LOCATION OF THE DEVELOPMENT	
a) Existing and approved land use	
Are there existing land uses on or around the location which could be affected by the development, e.g.	The closest residential development is located c. 1.1km to the south east (of turbine 19).

residential, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying?	The impact of the Wind Farm on residential amenity has been considered through the technical information supporting consent EC00003166. Although the proposed development would result in
	an already established and acceptable visual impact being in place over a longer time period, no additional impacts on residential amenity is predicted as a result of any increase to the
	operational life of the Wind Farm.
	Low impact
Are there any areas on or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected?	No. The proposed development is located in a rural area and, as such, is not in close proximity to any identified sensitive land uses.
Is the development located in a	No. The development comprises an extension to the
previously undeveloped area where there will be loss of greenfield land?	operational life of a Wind Farm that is already in place, and therefore, there will be no further loss of greenfield land.
	Low impact
 b) Relative abundance, quality and regenerative capacity of natural resources in the area 	
Are there any areas on or around the location which contain important, high quality or scarce resources which could be affected by the development? • Groundwater resources	The Wind Farm is already in operation, and therefore no further effects are anticipated on any scarce resources including ground water, soil or forestry.
 Soil Forestry Agriculture Biodiversity Minerals 	In terms of the impact of the proposed development on biodiversity, there are mitigation and enhancement measures set out in the Habitat Management Plan ('HMP') submitted as part of the conditions for the original consent. There is no evidence to suggest the extension to the expiry date of the consent would have any additional significant effect on biodiversity.
	Furthermore, the HMP suggests monitoring should be undertaken in years 1, 3, 5 and 10 with a review of the current HMP actions after 10 years. The results of monitoring will be regularly reported, discussed with stakeholders and used to inform amendments to the HMP.
	Low impact
c) Absorption capacity of the natural environment	
Are there any areas on or around the location which are protected under international or national or local legislation for their ecological,	Red Moss Site of Special Scientific Interest ('SSSI') and Special Area of Conservation ('SAC') is located c. 500m to the east of the site.
landscape, cultural or other value, which could be affected by the development?	No adverse impacts are anticipated from the proposed development beyond those identified in the 2012 ES (as amended by the 2015 ES), for

Are there any other areas on or around the location which are important or sensitive for reasons of their ecology: • Wetlands, riparian areas, river mouths • Coastal zones and the marine environment • Mountains, forests or woodlands • Nature reserves and parks • European sites • Areas which there has been a failure to meet the environmental quality standards • Densely populated areas • Landscapes and sites of historical, cultural or archaeological significance. Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected?	which mitigation measures have been identified, agreed as acceptable and put in place. It is not anticipated that an increase in the operational life of the Wind Farm by up to 15 years would give rise to any additional significant adverse impacts. Low impact Yes, as identified in the 2012 ES, the site is c. 500m to the west of Red Moss SSSI and SAC. An extension to the operational life of the Wind Farm will not lead to any additional significant adverse impacts on these areas. Low impact As outlined above, a HMP is in place which would continue to assess the effects of the proposed development on biodiversity and provide monitoring results and recommendations. Regarding ornithology, an extension to the operational life of the Wind Farm would increase the total amount of time where there is a risk of collision mortality events for birds. However, as detailed in the 2012 ES, 'Flight of target species at collision risk height over the site were limited and reported collision risk is predicted to be low or negligible' (pg. 220). The 2015 ES found the original ES in relation to ornithological receptors remains valid. There is no evidence that the predicted rate of mortality will change and therefore no significant effects on these populations are anticipated as a result of the proposed development.
Are there any inland, coastal, marine or underground waters on or around the location which could be affected?	Low impact No. Low impact
Are there any groundwater source protection zones or areas that contribute to the recharge of groundwater resources?	No. Low impact
Are there any areas or features of high landscape or scenic value on or around the location which could be affected?	The proposed development will not lead to a change in the landscape from that which is currently in place with the consented Middle Muir Wind Farm. Furthermore, the site itself is not subject to any landscape designations.

	As identified in the 2012 ES, the additional landscape and visual impacts would not represent a significant addition to the existing impacts within the study area as a whole. The 2015 ES found due to the minor nature of the variations, the change would have no additional impact on the landscape and visual effects of the scheme.
	There have been no significant changes to the surrounding landscape baseline since operation of the Wind Farm commenced.
	It should be noted that the significant effects are reversible and upon decommissioning the Wind Farm at the end of the planning consent, the turbines would be dismantled and removed, and the site restored.
	Low impact
Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected?	No. As identified in the EMP, the existing path running through part of the site was safeguarded though the construction and operation of the Wind Farm, as well as the provision of 12km of newly formed on-site access tracks. The proposed development will not have any implications on these paths.
	Low impact
Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected?	No. As identified in the 2012 ES, 'no specific mitigation measures are considered necessary during the operation of the proposed wind farm due to the extremely low volume of traffic generated during this period'.
	The extension of the operational life of the Wind Farm will not generate any significant additional regular traffic movements. The 2012 ES states `' <i>if</i> <i>replacement turbine components were required,</i> <i>transport arrangements for abnormal loads and</i> <i>appropriate mitigation would be agreed with the</i> <i>local authorities in advance'</i> (pg. 327).
	Low impact
Is the development in a location where it is likely to be highly visible to many people?	No. Also, the proposed development will not result in any changes to the visual baseline – i.e. no additional development is proposed beyond that which already exists in the landscape.
	Low impact
Are there any areas or features of historic or cultural importance on or around the location which could be affected?	No. All effects of the Wind Farm on cultural heritage have been considered through the 2012 ES (as amended by the S36C Consent). This found 'the development when operational will have a temporary impact upon the setting of undesignated assets of low value' (pg. 235). Any potential impacts have found to be acceptable and have not had a significant effect.

	An extension to the operational life of the Wind Farm will not lead to any significant effects.
	Low impact
Are there any areas on or around the location which are densely populated or built up, which could be affected?	No. The area surrounding the Wind Farm is sparsely populated and no significant increase in population is expected during the proposed increase in lifespan of the Wind Farm.
	Low impact
Are there any areas on or around the	No known areas.
location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected?	Low impact
Is the location of the development susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the	Not at present. There is no evidence to suggest that any extension in the operational life of the Wind Farm, for up to 15 years, would lead to a significant change in the incidence of landslides, flooding erosion or extreme / adverse climatic conditions.
development to present environmental	Low impact
problems? 3. CHARACTERISTICS OF THE POTENT	
5. CHARACTERISTICS OF THE POTENT	
a) Magnitude and extent of the impact	
Will the effect extend over a large area?	No. Although the site extends to 693ha, during the operation of the Wind Farm only c. 1.2% of the land is affected. The proposed extension to the operational life of the Wind Farm will not extend the effect of development in terms of land area.
	Low impact.
Will many people be affected?	No. Also, the proposed development will not increase the risk of additional people being affected.
	Low impact.
b) The nature of the impact	
Is the nature of the impact of the proposed development unusual in the area?	No. The Wind Farm is already in place and operational on the site. No development is proposed other than the extension of the operational life of the Wind Farm.
	Low impact
c) The transfrontier nature of the impact	
Will there be any potential for transboundary impact?	No.
	Low impact
d) The intensity and complexity of the impact	
Will there be a large change in environmental conditions?	No. The nature of the site will remain the same.
	Low impact.
Will the effect be unusual in the area or	No.

particularly complex?	
· · · ·	Low impact.
Will many receptors other than people (fauna and flora, businesses, facilities) be affected?	No. As detailed, above, a HMP has been provided for which monitoring will be undertaken at years 1, 3, 5 and 10 with a review of the current HMP plans after 10 years. Monitoring will be regularly reported, discussed with stakeholders and used to inform amendments to the HMP.
	Low impact.
Will valuable or scarce features or resources be affected?	No. Low impact.
Is there a risk that environmental standards will be breached?	No. Low impact.
Is there a risk that protected sites, areas, features will be affected?	No. Low impact.
e) The probability of the impact	
Is there a high probability of the effect occurring?	
Is there a low probability of a potentially	Low impact. There is <u>low</u> probability of a high significant effect.
Is there a low probability of a potentially high significant effect?	Low impact.
 f) The expected onset, duration, frequency, and reversibility of the impact 	
Will the effect continue for a long time?	Operational effects will be temporary duration, lasting for up to an additional 15 years beyond the currently consented 25 years. No significant negative effect is anticipated.
	Low impact
Will the effect be permanent rather than temporary?	No. Operational effects will be extended for up to an additional 15 years beyond the currently consented 25 years, but will remain temporary.
	Low impact
Will the impact be continuous rather than intermittent?	The operational effects will be temporary in duration, but during the consented period of operation impact will be continuous.
	Low impact
If intermittent, will it be frequent rather than rare?	N/A.
Will the impact be irreversible?	No. Following the expiry date of the proposed development, the site would be reinstated in accordance with the conditions set out within the S36C Consent (ref: EC00003166).
	Low impact
g) The cumulation of the impact	
Will there be a cumulative impact with other existing or approved development?	No. The proposed development involves varying the operational life of an existing Wind Farm. No

	cumulative impacts are therefore expected.
	Low impact.
h) The possibility of effectively reducing the impact	
Will it be difficult to avoid or reduce or repair or compensate for the effect?	Any adverse impacts can be effectively mitigated. No significant negative effect is anticipated.
	Low impact.

